Wednesday
12th May, 1954

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

VOLUME I, 1954

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(Part I—Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Wednesday, 12th May, 1954.

The House met at a Quarter Past Eight of the Clock.

(MR. SPEAKER *in the Chair*)

ORAL ANSWERS TO QUESTIONS

YARN

*2408. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the system of allotting quotas of yarn to different States is still in vogue;

(b) whether control on the price and distribution of yarn has been removed altogether; and

(c) the present position with regard to production, local consumption and distribution of yarn?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Yes, Sir.

(c) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 69.]

Shri S. N. Das: Arising out of answer to (b), may I know what is the nature of the control still being exercised?

Shri Karmarkar: In reply to (b), as to whether control has been removed altogether, I said 'Yes'.

Shri S. N. Das: May I know how the average production of yarn and local consumption compare with the figures of the corresponding previous period?

Shri Karmarkar: I could give my hon. friend the figures. Deliveries of yarn for civil consumption were:

In 1951—291,473,000 lbs., in 1952, 365,219,000 lbs. and in 1953, 397,381,000 lbs.

Shri S. N. Das: What was the average monthly export in the previous years?

Shri Karmarkar: For export we allocated 16,154,000 lbs. in 1951, 8,785,000 lbs. in 1952 and 15,664,000 lbs. in 1953.

Shri Bansal: May I know if all the States are individually self-sufficient in their requirments of yarn, and if not, which are the deficit States?

Shri Karmarkar: My hon. friend knows that as much as I do. But I cannot be very specific. All the States are not self-sufficient.

REGIONAL COMMITTEES

*2409. **Pandit D. N. Tiwary:** Will the Minister of **Planning** be pleased to state:

(a) whether regional committees for the research programme under the five Year Plan have been organised; and

(b) if so, the number of such regional committees organised or proposed to be organised and their spheres of work?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). Yes. There are two committees, one for the Northern region comprising

Punjab, Pepsu, Uttar Pradesh, Delhi, Rajasthan, Assam, West Bengal, Madhya Bharat and Orissa, and another for the Southern Region covering the remaining part of the country.

Pandit D. N. Tiwary: In which region does Bihar come?

Shri Hathi: It comes in the other region, i.e. the southern one.

Pandit D. N. Tiwary: May I know the number of schemes so far sent from the different regions?

Shri Hathi: A few days back I laid on the Table a list of the various schemes. There are in all about 37 schemes. Of these 7 are for land reforms, 9 are for agricultural economics, 6 are for employment 5 for small cottage industries and 20 for urban surveys. The detailed list is there on the Table.

Pandit D. N. Tiwary: How many schemes sent by these committees have been accepted by the Government and given effect to?

Shri Hathi: That information also is contained in that statement.

Shri D. C. Sharma: May I know if the reports of these committees will be made available to the Members of this House?

Shri Hathi: They are not yet received.

Pandit D. N. Tiwary: May I know the number of schemes sent by Bihar?

Shri Hathi: It will take some time to find out the number of schemes for each individual State. But it is there in the statement.

NORTH-EAST FRONTIER AGENCY

***2410. Th. Lakshman Singh Charak:** Will the **Prime Minister** be pleased to state the progress so far made in the North East Frontier Agency with regard to communications?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika): A statement is placed on the Table of the House. [*See* Appendix IX, annexure No. 70.]

Th. Lakshman Singh Charak: From the statement supplied, it is not very clear in which year this progress has been made. May I know how many years this has taken the Government, and what has been the cost?

Shri J. N. Hazarika: This progress has been achieved since 1947 upto 31st December 1953. I have not got the break-ups of the entire cost.

Mr. Speaker: What is the total cost?

Shri J. N. Hazarika: The figure of the total cost is not available.

Th. Lakshman Singh Charak: May I know the number of bridges built during this period?

Shri J. N. Hazarika: The number of bridges constructed so far is 106, the length being 2907 ft. The number of bridges so far improved is 45. The number of bridges under construction is 45, the length being 1836 ft. The number of bridges under improvement now is 2.

Th. Lakshman Singh Charak: Have any postal communication arrangements also been made?

Shri J. N. Hazarika: Postal communications are being developed in the North East Frontier Agency. But we have not been able to develop postal communications to all the areas where we have got roads.*

Shri K. P. Tripathi: What is the destination of the road now being built from Misamari towards the north?

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*The original reply by the Parliamentary Secretary reads as follows:

"Postal communications are being developed in the North East Frontier Agency. We have developed postal communications in all the areas where we have got roads."

The reply printed as above was sent by the Parliamentary Secretary afterwards in substitution of the original reply.

Shri J. N. Hazarika: I require notice.

Th. Lakshman Singh Charak: May I know the future programme of the Government for development of roads and communications?

Shri J. N. Hazarika: We have got a general *ad hoc* scheme to construct and develop roads in order to link the sub-divisional headquarters with the respective district headquarters in the North East Frontier Agency. But it will take its own course of time.

SUBMERSION OF BILASPUR TOWN

***2411. Shri D. C. Sharma:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that the town of Bilaspur will be submerged under water when the Bhakra Dam Project begins functioning in 1960; and

(b) if so, what plans have been made to build a new town for the rehabilitation of the people?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The matter is under the consideration of the Bhakra Control Board.

Shri D. C. Sharma: May I know, Sir, if the Government are aware of the fact that 17,000 persons have lost their land on account of this project, and if so, whether Government propose to give them land anywhere?

Shri Hathi: A committee has been appointed by the Bhakra Control Board and it is looking into this question.

Shri D .C. Sharma: May I know what steps Government are taking to rehabilitate those persons whose villages have ceased to exist on account of this project?

Shri Hathi: The matter is solely with the Punjab Government. That Government is taking steps to see where these persons could be rehabilitation and for that purpose, this rehabilitation committee is appointed.

Shri D. C. Sharma: May I know whether the new Bilaspur town will be built up after this unfortunate thing has happened or before this unfortunate occurrence takes place?

Shri Bansal: Unfortunate things?

Shri Hathi: It should be before that.

TRIESTE FAIR

***2412. Shri Bhagwat Jha Azad:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government propose to participate in the Trieste International Fair to be held in June 1954; and

(b) if so, in what ways?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Does not arise .

Shri Bhagwat Jha Azad: May I know the reasons why Government have gone back on the decision, because it was published in the Ministry's journal that Government propose to participate in the Trieste Fair?

Shri Karmarkar: I do not just at the moment recall the publication referred to. But what we do every year is that we take the whole range of exhibitions in view and judging the utility, participate in three or four major exhibitions and participate on a small scale in some of the other exhibitions as limited by our financial considerations. So in that view of things, the Trieste Fair appears to have not been considered for exhibition.

Shri Bhagwat Jha Azad: In view of what the Minister said about the utility point of view, may I know what other steps have been taken to exhibit our goods in Europe?

Shri Karmarkar: So far as Europe is concerned, we have participated in the British Industries Fair, in a major way. Then we are participating in another important exhibition in September in Lausanne, Switzerland. Then we will participate in the International Frankfurt Autumn Fair in September 1954. We are also thinking about other exhibitions.

HINDUSTAN MACHINE TOOLS FACTORY

*2413. **Shri N. Rachiah:** Will the Minister of **Production** be pleased to state:

(a) the number of technicians recruited for Hindustan Machine Tools factory, Bangalore during the first quarter of 1954; and

(b) how many of them were foreigners?

The Minister of Production (Shri K. C. Reddy): (a) and (b). During the period referred to, the Company's senior Indian technical officer was in Europe and a selection was made from amongst Indians available in Europe and from European candidates. Certain selections were also made in India. In all, 12 Indians and 45 Europeans were selected. Five of the former and 21 of the latter selected during this period are now in position. Recruitment is continuing.

Shri N. Rachiah: May I know for what period these foreign technicians have been recruited?

Shri K. C. Reddy: They are recruited on a contract basis, for a period of two or three years. In each case the period varies.

Shri N. Rachiah: May I know whether any local technicians have been recruited?

Shri K. C. Reddy: I have said in the course of my answer that during this period, 12 Indians have been selected. Out of them, four have been recruited locally.

Shri Ramachandra Reddi: May I know when the erection of the factory will be completed and when it will go into production?

Shri K. C. Reddy: Production is expected to start by July this year.

Shri Bansal: May I know whether Government have made sure that these jobs are of such a highly technical nature that local talent in this regard is not available in this country?

Shri K. C. Reddy: It was understood right from the beginning that a certain number of top-ranking technicians will have to be recruited from abroad. The number has been fixed, and it is also part of the agreement that understudies for these foreigners should also be recruited and placed in position, so that after a period of time, Indians should take the place of the foreigners.

Shri Bhagwat Jha Azad: May I know what steps are being taken, and within what time we would be able to substitute these foreign technicians by our trained Indian personnel?

Shri K. C. Reddy: The agreement envisages that Oerlikons will make every endeavour to train Indian personnel in a way that within a period of ten years from the date of starting the factory, there would be sufficient number of Indians available to hold not less than 85 per cent. of the posts in the factory.

PUBLIC CO-OPERATION FOR MULTI-PURPOSE PROJECTS

*2414. **Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether any specific steps have been taken to secure public co-operation in the multi-purpose river valley projects financed by the Central Government; and

(b) if so, what are they and the nature of the public response in the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) A statement giving the requisite information is laid on the Table of the House. [*See* Appendix IX. annexure No. 71.]

Shri L. N. Mishra: From the statement it appears that public response and co-operation in the matter have been unsatisfactory. It is rather discouraging. Have the Government tried to find out the reasons for the same and, if so, whether the Government have any remedial measures to meet the situation?

Shri Hathi: There are two ways in which public co-operation is sought. One is in actual construction, that is, the excavation of canals, etc. Co-operation in this regard has been available in certain States such as Bombay, Punjab. In the other States, the States are taking steps to get it. The other way is one of educative value such as having demonstration farms which would educate the people as to how to utilise the waters for irrigation purposes. In that direction, sufficient progress has been made. In the first one, attempts are being made to seek more public co-operation.

Shri L. N. Mishra: The Planning Commission thought that public co-operation would reduce the cost of construction of these projects. I want to know whether any concrete result has been achieved in any of the projects ?

Shri Hathi: As I mentioned, in the three States referred to by me, people are taking interest in this movement, and they have taken up the work.

Shri S. N. Das: May I know whether Government is aware that in the multi-purpose river valley projects which are being executed by the State Governments, public co-operation is available to the State Governments?

Shri Hathi: As I said, it is available in Punjab.

Shri L. N. Mishra: May I know whether any efforts have been made to integrate the working of the power houses run by these projects with the power houses run by some private parties to secure economic utility of power?

Shri Hathi: At present, except for the Bokaro scheme, no power house has been commissioned in the multi-purpose schemes. In that area, I do not think there are any power houses where they could be integrated. But the Sindri factory power is integrated with this.

IRRIGATION ENGINEER FOR TRIPURA

*2415. **Shri Dasaratha Deb:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether an Irrigation Engineer was requisitioned by the Government of Tripura;

(b) whether it is a fact that for want of Irrigation Engineer, no project has been taken in hand; and

(c) if the answer to parts (a) and (b) above be in the affirmative, what steps Government propose to take in this regard?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c) The schemes in Tripura are minor irrigation schemes for which an Agricultural Engineer and an Irrigation Supervisor have been sanctioned recently. Steps are being taken by the State Government to appoint suitable officers against these posts. At the same time the Central Water and Power Commission are being asked to send an Engineer Officer to Tripura to help the State Government in drawing up their irrigation schemes.

Shri Dasaratha Deb: May I know whether any irrigation scheme has been taken up in Tripura?

Shri Hathi: There are no major irrigation schemes in Tripura under the Five Year Plan. They are all minor irrigation schemes.

Shri Dasaratha Deb: May I know how long it will take to appoint the men?

Shri Hathi: It should not take much time, now that the posts are sanctioned.

NEWS AGENCIES

*2417. **Shri Nageshwar Prasad Sinha:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) which are the News Agencies that feed All-India Radio; and

(b) how many of them are foreign?

The Minister of Information and Broadcasting (Dr. Keskar): (a) All India Radio is subscribing to the news service of the following news agencies:

1. Press Trust of India.
2. United Press of India.
3. United Press of India—Agence-France Presse.
4. Arab News Agency.
5. Near and Far East News Service.

(b) Two of them are foreign.

Shri Nageshwar Prasad Sinha: Over and above the news agencies referred to, are there special correspondents with the A.I.R., and, if so, how many, and what is their monthly output of wordage utilised every month?

Dr. Keskar: A.I.R. has no correspondents in foreign countries. I would not be able to say off-hand the exact number, but we have about four or five correspondents in the important centres of India. I would require separate notice for finding out the output of their work.

Shri Nageshwar Prasad Sinha: May I ask whether, before subscribing to these news agencies, the political colour or bias of the agencies concerned is taken into consideration?

Dr. Keskar: I do not know whether the reference is to foreign news agencies or to the Indian news agencies.

Shri Nageshwar Prasad Sinha: Foreign.

Dr. Keskar: There are only two foreign news agencies, both of them belonging to the Middle East. There is of course a small service, Agence-France Presse. We take certain items from them, and comparatively the same items might be given by the P.T.I.-Reuters. But there may be something important in the one which may not be mentioned in the other, and for that purpose, we subscribe to both. As far as political colour is concerned, we take care to see that news with a political colour is avoided. I would not be able to say whether there is any political colour in the news that comes from both these foreign agencies.

Shri Radha Raman: What are the terms which are allowed to these agencies, and do they differ in material respects?

Dr. Keskar: The terms are separate. I might say that the payments made to these two agencies are very very small. I would not be able to give the total sum, but it is a very small sum—both to the NAFEN and the other news agency.

Shri Sadhan Gupta: May I know the nationality of these foreign news agencies?

Dr. Keskar: Both are centred in Egypt.

Shri G. P. Sinha: May I know the names of the countries where we maintain our correspondents?

Mr. Speaker: He replied that there are none outside. They are all in India.

TYPEWRITERS

*2418. **Shri Ganpati Ram:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether typewriters are manufactured in the country;

(b) if so, at what places; and

(c) the number of typewriters imported and their value in 1952-53 and 1953-54 and from which countries?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir. Some firms, however, are assembling typewriters from mostly imported parts.

(b) Does not arise.

(c) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 72.]

श्री गणपति राम : क्या मैं जान सकता हूं कि भारतवर्ष में टाइपराइटर कब पैदा किया जायेगा ।

श्री करमरकर : दो कम्पनियों को हमने रियायत दी है, मेसर्स रेमिंगटन रैंड लिमिटेड, और मेसर्स गोदरेज कम्पनी लिमिटेड, लेकिन अभी तक पता नहीं चला कि उसका प्रोडक्शन कब शुरू होगा ।

Shri Bhagwat Jha Azad: May I know within what time we are expected to be self-sufficient in the production of these typewriters and what is the percentage of the Hindi typewriters which are being produced in this country but are not being patronised by the Government?

Mr. Speaker: He is combining two questions. I shall allow him only one question at a time.

Shri Bhagwat Jha Azad: The former portion may be answered.

Shri Karmarkar: We have not begun producing these typewriters. We cannot anticipate when we shall be self-sufficient.

Shri K. K. Basu: May I know why licence has been granted to the Remington Rand Co., for the manufacture of typewriters in India, and whether any Indian firms were not available to shoulder the responsibility?

Shri Karmarkar: As I said, Godrej Ltd., have undertaken the manufacture of typewriters, but they took an inordinately long time. We viewed their efforts with sympathy and we promised them all help. But there is no knowing when they will actually commence the manufacture of typewriters. So, in order to anticipate and fulfil the needs of the country which are urgent, we allowed the Remington Rand to come in.

Textile Research Institute

*2419. **Shri K. P. Sinha:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the Bombay Millowners' Association have proposed the establishment of a Textile Research Institute in Bombay?

(b) At what stage is the proposal now?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) The proposal has been approved by the Cotton Textiles Fund Committee. The details of the scheme are being worked out.

Shri K. P. Sinha: What is the capital expenditure and the Government's contribution to the same?

Shri Karmarkar: The Bombay Mill owners' Association have collected a sum of Rs. 50 lakhs for this purpose Regarding Government contribution, I think we have not yet decided so far, as the matter is still under consideration of the Cotton Textiles Fund Committee.

Shri K. P. Sinha: May I know the specific department of the industry in which researches are proposed to be undertaken?

Shri Karmarkar: Textiles, particularly.

Shri Bansal: May I know how this will differ from the ATRA, that is, the Ahmedabad Textile Research Association and if the activities will be more or less the same, why is this duplication allowed by the Government?

Shri Karmarkar: These are more or less in the nature of regional research. Ahmedabad is a large producing centre; similarly Bombay is also one. There will be one in Coimbatore. I might tell the hon. Member that they would avoid over-lapping wherever possible.

State Trading Corporation for Handloom Cloth

*2420. **Shri Muniswamy:** Will the Minister of **Commerce and Industry** be pleased to state whether a proposal to establish a State Trading Corporation to undertake the export of handloom cloth and certain selected small scale and cottage industry products, is under the consideration of Government?

The Minister of Commerce (Shri Karmarkar): Yes, Sir.

Shri Muniswamy: May I know when this corporation is likely to begin functioning?

Shri Karmarkar: These are all complicated matters. This is being attempted for the first time and we had a meeting between the Food and Agriculture Ministry, Production Ministry and the Finance Ministry. We will have also to consult other concerned organisations. It is yet too early to say when this will be finalised.

Shri Muniswamy: May I know whether, in establishing this corporation, suggestions were invited from the State Governments and if so, what suggestions were given by the State of Madras?

Shri Karmarkar: This suggestion arose out of the recommendations of what was known as the State Trading Committee. It toured all the States and it was presided over by our present Minister of Agriculture, Dr. P. S. Deshmukh and so we took it that the views of the various organisations and bodies were ascertained.

Shri G. P. Sinha: May I know whether it will be financed by the States alone or both by the States as well as the Centre.

Shri Karmarkar: It is yet too premature to say that.

Wages of Labourers of Hirakud Dam Project

*2421. **Shri B. C. Das:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether there has been a reduction in the wages of the labourers working in the Hirakud Dam Project after April, 1952;

(b) if so, the amount of wages so reduced; and

(c) the reasons therefor?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A reduction was made in the pay of mazdoors with effect from 1st March 1952.

(b) The reduction was from Rs. 53 p.m. to Rs. 40 p.m.

(c) The revised rate of wages was fixed on the basis of the prevailing wages for mazdoors in the locality *viz.*, Rs. 1/8/- per day.

Shri B. C. Das: May I know whether the Government have taken into account the fact that the cost of living in Hirakud area is the highest in the State of Orissa?

Shri Hathi: Government do not fix this rate; it was the Control Board that fixes the rate. This rate of Rs. 1-8-0 was fixed by the Orissa Government having regard to all the conditions and circumstances prevailing there.

Shri B. C. Das: Are Government aware that the majority of the workers, that is the day labourers, working in the Hirakud projects come from distant parts and that this reduction of wage is causing them great hardship?

Shri Hathi: Government are aware of this and they have suggested to the Board to look into this question. They are having this item on the agenda of their meeting. Perhaps the meeting was held on the 10th and this was a matter to be considered by the Board.

Shri Sarangadhar Das: May I know if the Government had considered the advisability of giving these labourers who come from distant parts and reside there some allowance just as the officers get some allowance—construction allowance—if they come from Delhi or elsewhere to this place?

Shri Hathi: That is dependent on what view is taken by the Board. Perhaps such allowance might raise the wages in the neighbouring areas also; that also will have to be taken into consideration.

Palm *Gur*

*2422. **Shri Sanganna:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any research is being carried out with a view to improving

the methods of production of palm *gur*; and

(b) if so, what is the result?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 73.]

Shri Sanganna: May I know what agencies have been set up for popularising the scientific improvements in the different parts of the country?

Shri Karmarkar: I understand my hon. friend wants to ask as to what are the methods by which this is done. Firstly, I should say that there is a refresher training course being conducted since 1948 at the Central Palm Gur Institute at Cuddalore. Then we have recently proposed an organisation of four demonstration stations at a cost of Rs. 1,44,960 in four different regions. These stations will demonstrate by means of aids the utility of the products. These two, I should mention amongst others.

Shri Sanganna: May I know what percentage of land under sugarcane cultivation has been diverted to rice cultivation since the working of this palm *gur* industry.

Shri Karmarkar: The palms do not intrude on other lands; they grow wherever there is moisture. So, there is no question of diverting any sugarcane land to this.

Shri Dabhi: What is the annual production in the country and has any production target been fixed for the same?

Shri Karmarkar: At the moment, I have not got that figure but I gave it sometime back in this House. I may, however, say that it is growing.

Shri S. C. Samanta: How many workers have been trained and may I know whether all the States have been covered in these training centres?

Shri Karmarkar: I am sorry I have not got the figures. I want notice.

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MEASUREMENT CERTIFICATES

***2423. Shri H. N. Mukerjee**: Will the Minister of **Commerce and Industry** be pleased to state

(a) whether Government's attention has been drawn to the refusal of foreign shipping companies to accept measurement certificates issued by Indian Chambers of Commerce for shipments from Indian ports;

(b) whether Government are aware that foreign shipping companies are reported to be specifically requesting shippers to get their cargoes surveyed by non-Indian chambers even though a certificate might have been obtained from an Indian Chamber; and

(c) what steps are being taken in this matter?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Yes, Sir.

(c) The matter is under consideration. Discussions with shipping companies, and the different chambers of commerce are taking place.

Shri H. N. Mukerjee: May I know if it is the intention of the Government to continue the facilities allowed at present to foreign chambers of commerce in certain ports for the collection and compilation of statistics regarding our overseas trade?

Shri Karmarkar: I would like to answer this question, with your permission. This refers to measurement certificates but my hon. friend's supplementary relates to statistics, if I understand him rightly and so this is not relevant. Regarding statistics, may I presume that he wants statistics regarding foreign personnel?

Mr. Speaker: Certain facilities are being given to foreigners at ports for collecting statistics whatever they may be. Are these facilities going to be continued?

Shri Karmarkar: There are no particular facilities that we give. We really have our own agency, for instance our Director of Commercial Intelligence in Calcutta, for collection of statistics and

he bases his calculations upon the customs figures. I really could not follow the question of my hon. friend.

Shri H. N. Mukerjee: May I know if it is a fact that statistics regarding overseas trade are not compiled and published exclusively by our customs authorities but that the foreign chambers of commerce also publish these statistics on the basis of information they derive on account of their virtual monopoly to issue measurement certificates?

Shri Karmarkar: In the first place, I should like to find out what is the present position with regard to statistics. There has been a complaint from certain Indian chambers that certain foreign shipping companies which are sending goods from India and are importing also into India are no accepting the measurement certificates issued by the purely Indian chambers of commerce. This has been a serious question and we have been devoting our attention to that problem with a view to see that Indian Chambers of commerce are not put to handicaps like that.

Shri Bansal: Is it not a fact that some European chambers of commerce are in a position for a large number of years to issue special statistics out of custom returns? Is the Bombay Chamber of Commerce, not one of them? As regards the question under (a), (b) and (c), the reply of the hon. Minister was that this matter has been under consideration. Is it a fact that this matter is under consideration for the last four years and no effective steps have been taken so far?

Shri Karmarkar: It is a fact that this matter has been under our consideration for four years. My hon. friend is well aware of this question; he is also aware of every step that has been taken. We have also consulted the Federation which he represents and I suppose he knows that he and I tread on rather delicate ground in pursuing that question further.

DYE-HOUSE IN YEMMIGANUR

*2424. **Shri Gadilingana Gowd:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Yemmiganur Co-operative Weavers Production and Sale Society of Andhra State has asked for a grant of Rs. 36,000 from the All India Handloom Board to equip its dye-house; and

(b) if so, at what stage the matter stands?

The Minister of Commerce (Shri Karmarkar): (a) and (b). No such request has been received from the Society. Government have, however, given a grant of Rs. 38,520 during 1953-54 to the Andhra State Government for setting up of dye-houses in that State. One of them, I understand is at Yemmiganur.

Shri Gadilingana Gowd: May I know whether it is a fact that preferential treatment is being given to this Society, because its President is a member of the All India Handloom Board?

Shri Karmarkar: One of the considerations why we wanted him on the Handloom Board is that he represented a very good Society at Yemmiganur. It is not the other way.

Shri Gadilingana Gowd: Will Government please make an enquiry under section 38 of the Madras Co-operative Societies Act?

Shri Karmarkar: I am not aware of that. If my friend writes to me I will look into it.

FORWARD CONTRACTS (REGULATION) ACT

*2425. **Shri M. M. Gandhi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Forward Contracts (Regulation) Act has come into force and if so, from which date;

(b) whether any forward market has been brought within the purview

of control by specifically recognising such market; and

(c) if not, the reasons for the delay?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. Chapter I of the Forward Contracts (Regulation) Act, 1952, came into force on the 26th December 1952, and the remaining provisions of the Act with effect from the 24th August, 1953.

(b) and (c). Not yet.

The Forward Markets Commission was established in September, 1953. It has been visiting various important places and having discussions with bodies and industrialists interested in forward trading in order to collect the essential data and other information.

Shri Bhagwat Jha Azad: May I know if it is a fact that just before coming into force of this Act a large number of mushroom organisations for trading in forward markets have grown up; if so, what steps are Government taking to prevent this?

Shri Karmarkar: I am not adequately informed of the mushroom growth of organisations, but it will be our duty to weed out such mushroom organisations.

Shri L. N. Mishra: May I know whether the Forward Marketing Commission appointed in 1953 has made any specific recommendation regarding particular commodities which will require approval and implementation?

Shri Karmarkar: This Commission is with reference to preventing speculation. I would not like to create speculation by answering the question.

Shri N. L. Joshi: May I know whether Government has any proposal for establishing organisations for trade in forward markets in the southern, central and northern regions of the country?

Shri Karmarkar: On such an important matter like this, I would not like to give an off-hand reply. When the whole scheme is ready we shall announce it.

HANDLOOM RESEARCH SECTION

*2426. **Shri M. D. Ramasami:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the All India Handloom Board has decided that the Handloom Research Section of the Government Central Weaving Institute, Banaras, should be developed as an All-India institution under the Handloom Board; and

(b) if so, what is the estimated expenditure for its conversion?

The Minister of Commerce (Shri Karmarkar): (a) A recommendation to this effect has been made by the Standing Committee of the Handloom Board.

(b) No assessment has yet been made of the expenditure involved

Shri M. D. Ramasami: May I know what aspect of research will be undertaken by this Institute?

Shri Karmarkar: The aspects in respect of research in handloom industry are obvious. One of the things is designs, for instance.

श्री गणपति राम : क्या मैं जान सकता हूं कि सेंट्रल वीविंग इन्स्टिट्यूट बनारस को स्टेट गवर्नमेंट या सेन्टल गवर्नमेंट से कोई आर्थिक सहायता पिछले दो वर्षों में दी गई है ? यदि दी गई है तो वह कितनी है ?

श्री करमरकर : कोई आर्थिक सहायता उसको दी गई है या नहीं इसके बारें में मेरे पास कोई इन्फार्मेशन इस वक्त नहीं है । नोटिस के ऊपर में दे सकूंगा ।]

SALT

*2427. **Shri Shobha Ram:** Will the Minister of **Production** be pleased to state the cost of production of Sambhar salt in Rajasthan during 1952-53?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): Three varieties of salt are produced at Sambhar. The cost of

production of the three varieties during 1952-53 was as follows:

	Rs.	As.	Ps.	
Kyar salt	0	14	11·15	per maund
Peshta salt	0	15	9·31	,,
Pan salt	0	11	10·36	,,

Shri Shobha Ram: What is the total output of salt in Sambhar this year, and how does it compare with the out put of salt in other places in India?

Shri R. G. Dubey: So far as output for the year 1951-52 is concerned, it was 104 lakh maunds, as against 41 lakh maunds in 1952-53. Regarding the rest I have no figures just now.

Shri Shobha Ram: May I know whether Government proposes to resume payment of compensation to the State of Rajasthan which was suspended?

Shri R. G. Dubey: I believe the compensation has been fixed: I do not know what exactly the hon. member wants.

Shri Shobha Ram: At the present moment, it is not being paid. It was being paid five years back.

Shri R. G. Dubey: I think after the financial integration scheme in 1950, if I am correct, this problem was discussed and settled. I do not know whether actual payment is being made: I shall have to find out.

Shri Balwant Sinha Mehta: May I know whether it is a fact that various kinds of control on salt were being examined by the Commodities Control Committee; if so, what were its findings, and what final decision has been taken by Government?

The Minister of Production (Shri K. C. Reddy:) That raises a different question altogether. Several recommendations of the Commodities Control Committee have been accepted by Government and one or two others are still under examination.

MECHANICAL PLUCKING IN TEA INDUSTRY

*2428. **Shri K. P. Tripathi:** (a) Will the Minister of **Commerce and Industry** be pleased to state whether it is proposed to introduce mechanical plucking in the tea industry and has planting of tea in hedges for that purpose commenced?

(b) If so, how many tea gardens have started this and how many acres have been planted in this way?

(c) Have they taken permission from Government for this?

(d) What will be the displacement of labour if mechanical plucking is introduced?

The Minister of Commerce (Shri Karmarkar): (a) It is understood that some experiments are being conducted with certain prototypes of mechanical plucking machines, the results of which are not yet known. Hedge planting of tea is not necessarily connected with mechanical plucking.

(b) Government have no information.

(c) No permission is required from the Government of India for this.

(d) It is premature to anticipate the displacement of labour if and when mechanical plucking is introduced as the development of mechanical plucking machine is only in an experimental stage.

Shri K. P. Tripathi: May I know if mechanical plucking has been employed in any other country in tea?

Shri Karmarkar: The information is not available with me.

Shri K. P. Tripathi: Am I to understand that there will be no consultation between the Government and the planters before such mechanical plucking is applied?

Shri Karmarkar: We had information, for instance, from the United Planters' Association of South India, Coonoor, that there is no prospect of the tea industry going in for mechanical plucking in the foreseeable future.

Shri K. P. Tripathi: Why is it that Government thinks that there is no connection between hedge planting and mechanical plucking, while actually hedge planting is actully designed for the purpose of mechanical plucking?

Shri Karmarkar: That is his aspect of the information; our information is otherwise.

Shri Punnoose: Is it under the consideration of Government to require the planters to take permission beforehand, before mechanical plucking is introduced?

Shri Karmarkar: That is not our intention.

ऊन की कताई

*२४२९. **श्री भक्त दर्शन:** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या ऊन की कताई के उद्योग को विकसित करने के लिये कोई योजना बनाई गई है; और

(ख) यदि हां, तो योजना की मुख्य मुख्य बातें क्या हैं ?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The Government of India have no specific scheme for the development of the wool spinning industry.

However, I understand that there is a proposal. The Planning Commission has recommended installation of 30,000 spindles to make the country self-sufficient. As against this I should say 20,464 spindles have been installed; 7,500 have been licensed for installation under the Industries Act.

श्री भक्त दर्शन : क्या माननीय मंत्री जी को ज्ञात है कि ऊन की कताई बुनाई के ऊपर हिन्दुस्तान में, विशेषकर हिमालय के प्रर्वतीय इलाकों तथा राजस्थान में, कई सहस्र परिवार निर्भर हैं और विगत कुछ दशाब्दियों से यह ऊन का उद्योग गिरता जा रहा है ?

Mr. Speaker: In parts of Himachal Pradesh and Rajasthan a large number of people depend on this industry and they will be thrown out of employment if mechanisation is allowed.

Shri Karmarkar: I am not aware of the fact that there is unemployment among hand-spinners in wool. I shall find out.

श्री भक्त दर्शन : क्या उद्योग मंत्रालय ने कभी इस सुझाव पर भी विचार किया है कि रूई कातने के चर्खे की तरह ऊन कातने के चर्खे में सुधार करने के लिये भी एक बड़े पुरस्कार की घोषणा की जाये ?

श्री करमरकर . मैं इस सूचना को आल इंडिया विलेज इंडस्ट्रीज बोर्ड के पास भेज दूंगा ।

Foreign Markets for Indian Tobacco

***2430. Shri Raghuramaiah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any representations have been received urging that a deputation be sent to foreign countries to explore markets for Indian tobacco; and

(b) what decision has been taken in the matter?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Government are considering this question.

Shri Raghuramaiah: May I know what countries this delegation is supposed to visit, what will be the anticipated expenditure on this, and who will bear it?

Shri Karmarkar: All these matters have not yet been fixed. But it has been represented to us, and we have reasons to believe, that a delegation like this to Eastern Asia, that is Japan and China might be helpful. It will be a composite delegation, consisting of officials and non-officials. As regards the expenditure, we are not sure whether Government will wholly promote this delegation or part of it will be borne by other organisations.

Shri Raghuramaiah: Are Government aware that the Agriculture Minister of Andhra has already stated to pressmen that the Central Government have accepted the proposal and that a delegation will be sent to foreign count-

ries? May I know whether that decision has not already been taken?

Shri Karmarkar: It is likely that that is a little of an over-statement and, that mine here is a little of an under-statement.

Shri L. N. Mishra: Is it not a fact that there is a severe gult in the tobacco market and thousands of tons of tobacco are lying in docks in foreign countries; if so, may I know whether the situation has eased in any way by now?

Shri Karmarkar: It is a fact that there have been difficulties about export. We are trying our best in European markets. We have asked for reports. Regarding Eastern markets, as my friend asked about the delegation, sending of a delegation is one of the measures by which we try to promote exports. Regarding Europe, action is considered premature, because we are yet to receive the reports.

Dr. Rama Rao: In view of the huge accumulation of tobacco in the country, are Government contemplating to send this delegation as quickly as possible?

Shri Karmarkar: Yes.

Mr. Speaker: Next question, Dr. Ram Subhag Singh.

Shri Radha Raman: What about my question No. 2432?

Mr. Speaker: It has been transferred for answer to another date. It is not coming today.

Demarcation of Boundary

***2433. Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state:

(a) whether the demarcation of boundary line and fixing of stone pillars between the Purnea District of Bihar and East Pakistan has been completed; and

(b) if not, the reasons therefor?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) and (b). The boundary between Bihar and East Bengal has not yet been demarcated. The Bihar—East Bengal boundary is the same as the boundary between the prepartition provinces of Bihar and Bengal and has been recognized as an undisputed boundary since the formation of the province of Bihar. No difficulties are anticipated in its actual demarcation and accordingly, when the work of demarcation and fixation of boundary pillars was commenced in this region, it was agreed to start in the first instance with the East Bengal—West Bengal boundary.

The question of working out an agreed procedure for the demarcation of the Bihar—East Bengal boundary has already been taken up with the Government of Pakistan. The Survey experts of Bihar and East Bengal are at present engaged in this work. The actual work of demarcation will commence as soon as these procedural details have been worked out.

Dr. Ram Subhag Singh: What is the approximate length of the Bihar-East Bengal boundary? Is it a fact that the boundary, in respect of which the hon. the Deputy Minister said that there never existed any difficulty, had at several places been encroached upon by the Pakistan people and authorities?

Shri Anil K. Chanda: The boundary between Bihar and East Bengal is, roughly speaking, 105 miles of which about 75 miles are riverine boundaries. The question was first referred to the Bihar Government in 1949, and they told us that since this boundary was very clear there was no immediate need of demarcation. But in 1952 there were some unpleasant border incidents, and since then we have taken up this matter of demarcating the boundaries.

Dr. Ram Subhag Singh: Has it come to the notice of the Government that several villagers have evacuated their houses on the border and they have been requesting the State Government that proper steps should immediately be taken to demarcate that boundary?

Shri Anil K. Chanda: I have said in my reply that we have already taken up this matter with the Pakistan Government. Two conferences between the representatives of Bihar and East Bengal have already taken place. A third was scheduled to take place on the 12th April. Possibly it has been held; we have not yet received reports.

Dr. Ram Subhag Singh: How soon do the Government expect that the work of demarcation of boundary or fixation of stone pillars would be completed?

Shri Anil K. Chanda: It should not take long, considering the fact that the lengh involved is only105 miles. Uptill now the reports that we have received seem to show that there is complete agreement between the East Bengal representatives and our representatives.

D. D. T.

*2435. **Shri Madiah Gowda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the value of D.D.T. imported in 1952-53 and 1953-54; and

(b) the percentage of D.D.T. produced in India compared to the total requirements?

The Minister of Commerce (Shri Karmarkar): (a) Information is not available as the import statistics of D.D.T. are not maintained separately.

(b) D.D.T. is not yet being produced in the country.

Shri Muniswamy: Has it come to the notice of the Government that there is resistance to the use of this D.D.T. that is being imported from foreign countries; if so, will Government examine the quality of such imports?

Shri Karmarkar: It has not come to our notice that there is resistance against its use, but we have had some information that some mosquitoes that have been sprayed with D.D.T. are getting D.D.T.—resistant.

भारतीय समाचारपत्र

*२४३६. **श्री रघुनाथ सिंह:** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि कितने भारतीय समाचारपत्रों के पाकिस्तान में प्रवेश पर पाकिस्तान सरकार द्वारा रोक लगा दी गई है ?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): The information is being collected and will be laid on the Table of the House in due course.

Tungabhadra High Level Canal Project

*2437. **Shri Eswara Reddi:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Andhra Government have submitted a detailed investigation report and estimates for Tungabhadra High Level Canal Project; and

(b) if so, at what stage the matter stands and when it is likely to be taken up?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) **Yes, Sir.**

(b) The report and estimates are still under examination and further action can be taken only after the examination has been completed.

Shri Eswara Reddi: May I know whether it is not a fact that some such similar scheme has been under the consideration of one Government or the other since 1905 when Mr. McKenzie submitted a detailed report on this?

Mr. Speaker: He is asking whether the scheme has not been there before Government from 1905, and nothing further has been done.

Shri Hathi: Maybe, Sir. But we have received the report only recently.

Shri K. K. Basu: You are the successor in office.

Shri Eswara Reddi: While considering this scheme, will Government take

into account the fact that this is not a new project, that it is only a further extension of the present existing project, and that these waters would flow through the chronic famine areas of Rayalaseema?

Shri Hathi: It may not be a new project. But before it is actually taken up, the project report and the estimates have to be scrutinised technically, and that is being done.

Dr. Rama Rao: In view of the famine-stricken condition of Rayalaseema, may I know what steps Government are taking to see that this is taken up at the instance of the Central Government?

Shri Hathi: We will take it up as soon as it is possible after the examination is over, which will take about two or three months.

Shri Raghavachari: May I know when this examination by the Central Government is likely to be over?

Shri Hathi: I said two or three months.

SALT

*2438. **Pandit Lingaraj Misra:** (a) Will the Minister of **Production** be pleased to state what steps have Government taken or propose to take to increase the production of salt in Orissa State in order to make it self-sufficient?

(b) Is it a fact that the Salt Expert Committee had recommended that the Office of the Assistant Salt Commissioner for the Eastern Zone should be located in Ganjam District of the Orissa State?

(c) Has any step been taken to give effect to this recommendation?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) A statement showing the steps taken to increase the production of salt in the State is laid on the Table of the House. [*See* Appendix IX, annexure No. 74.]

(b) Yes.

(c) This recommendation was not accepted on considerations of economy.

Pandit Lingaraj Misra: With regard to item (4) in the statement may I know what special facilities are offered to the co-operative societies?

Shri R. G. Dubey: Under item (3) the hon. Member could see that assistance is given in the procurement of controlled commodities like steel, cement, etc. There are others also. I may point out that we have recently passed the Salt Cess Act and a separate fund has been created. Hereafter it is expected the tempo of development work will increase.

Pandit Lingaraj Misra: Are these special facilities given only to co-operative societies or to all manufacturers?

Shri R. G. Dubey: I think preference is given to the co-operative societies.

Shri B. C. Das: May I know what steps Government are taking to improve the quality of salt manufactured in Orissa?

Shri R. G. Dubey: There is a proposal to set up a chemical laboratory; I believe it will take some time before this laboratory and other technical assistance apparatus come into action.

INDIAN COFFEE BOARD EMPLOYEES

*2440. **Shri Punnoose:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government Servants Conduct Rules apply to the employees of the Indian Coffee Board; and

(b) if not, whether the Board has separate 'Rules' and these have been published and notified to all the employees?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The Board have, by byelaws and office orders, applied to their staff the Government Servants Conduct Rules.

Shri Punnoose: May I know whether these workers enjoy all the rights and

privileges granted to government servants?

Shri Karmarkar: I know, as a matter of fact, regarding the pay for instance they are enjoying the same privileges as in Government; but this question refers to conduct rules and not terms of employment.

Shri Punnoose: May I know whether the Indian Coffee Board Labour Union is given the rights and privileges of trade unions or organisations of Government?

Shri Karmarkar: I think I had an occasion to answer that question earlier. There was a question about recognition of the trade union; the Government viewed it with sympathy, but the Indian Coffee Board whose discretion was bound to prevail in this matter, has not recognised that union. That is the present position.

Shri Punoose: May I know whether the Government has received any complaint that when there is some complaint against any worker, the Civil Servants' Classification and Appeal Rules are not being observed?

Shri Karmarkar: We have not received any such complaint, and if there is any legitimate complaint I should like to have it from the hon. Member.

CESS ON MILL-MADE PRODUCTS

*2441. **Shri K. Subrahmanyam:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the All India Khadi and Village Industries Board has submitted any proposals for the levy of cess on mill-made products in order to subsidize rice-pounding and match-manufacturing on cottage industry basis; and

(b) if so, what decision has been taken by Government on the proposals?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

Shri K. Subrahmanyam: It is reported in the publication of the All India Khadi and Village Industries Board that a proposal has been submitted for the Government to levy a cess on the mill-made products of rice as well as match industry in order to subsidize these two. May I know whether it is a fact or not?

Shri Karmarkar: Our latest information on the point is that the Research Committee recommended a cess of Rs. 0-4-6 per gross of 60 match sticks on all match factories having a production of more than 5 lakhs gross per year, that is A class factories, but the Board we understand defers consideration of this recommendation. Regarding rice there is no proposal so far as we know; in any case it has not been suggested to us.

SULPHURIC ACID

*2442. **Dr. Rama Rao:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how much Sulphuric Acid was imported in 1953;

(b) how many firms are manufacturing it in India; and

(c) whether they have asked for any further facilities?

The Minister of Commerce (Shri Karmarkar): (a) Only 38 Cwts.

(b) About 39.

(c) No, Sir.

Dr. Rama Rao: May I know our annual requirements, say, during 1953?

Shri Karmarkar: I am sorry I have not got that figure.

Shri Raghavaiah: May I know from what countries we are importing sulphuric acid?

Shri Karmarkar: I am sorry I shall have to ask for notice to answer that question.

Shri Joachim Alva: Is the Ministry of Commerce aware.....

Shri Karmarkar: I would like to answer the question put by Dr. Rama

Rao because I find I have got the figures here. The consumption of sulphuric acid in different industries during 1952-53 are as follows:

1952 — 96,086 tons.

1953 — 109,091 tons

I am sorry to have interrupted.

Shri Joachim Alva: Is the Ministry of Commerce aware that sulphuric acid is one of the 24 products handled by our ordnance factories and does the Ministry check up as to what are our real requirements with a view to stop further imports?

Shri Karmarkar: Regarding sulphur, we have to import it fully as the hon. Member is aware. As regards sulphuric acid our imports have only been 38 cwts. Our general policy is to limit imports exactly to requirements and we take indigenous production into consideration.

Dr. Rama Rao: In answer to (b) the hon. Minister has said that 39 firms are manufacturing sulphuric acid in India. May I know how many of them are Indian completely, how many of them are foreign and how many of them are mixed?

Shri Karmarkar: So far as I see, all of them are Indian—Sonavala Industries, Western Industries, Eastern Industries, etc. I find from the names *prima facie* all of them are Indian.

AUTOMOBILES

*2443. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to refer to the report on page 1 of the *Hindustan Standard* dated the 1st May, 1954 under the heading 'Automobile Manufacture in India' and state:

(a) whether foreign manufactured automobiles of makes and sizes not covered by the Indian manufacturing programme will be allowed to be imported; and

(b) what, if any, are the steps taken by Government to ensure that the manufacturers do not price their products exorbitantly?

The Minister of Commerce (Shri Karmarkar): (a) Except for vehicles of the jeep type, imports are not permitted for commercial purposes.

(b) Government are keeping a watch on the price trends of automobiles. They will take appropriate measures as and when occasions calling for Government intervention arise.

Shri V. P. Nayar: May I know whether under this policy of the Government, the imports of continental makes like Opel, Citroen, Renault and other cars will be banned?

Shri Karmarkar: My hon. friend will surely appreciate that our requirements minus our production will be our imports. If our production comes up to our requirements, there will be no need for importing.

Shri V. P. Nayar: May I know whether, in view of the fact that this policy is likely to create certain monopolies of free manufacturers who have been given certain advantages under this policy, the Government will make any effort to go into the cost accounting of these manufacturers and fix a margin of profit?

Shri Karmarkar: As I said before, we are keeping a close watch on the price trends. If the price trends require regulation, we shall certainly not hesitate to do so. I may tell the hon. Member that these companies are working under a very great handicap in putting up this automobile industry and therefore, there is no question of high profits.

Shri Raghuramaiah: As a result of this import policy, the Hindustan Motors have got a virtual monopoly of their small car and with their advantageous position they have recently raised the price by Rs. 500. May I know whether Government will look into it and see that proper price is fixed?

Shri Karmarkar: I am not aware of any recent rise in price. If the hon. Member by 'recent' means last year, there was a small rise, but we are

satisfied that there is no question of undue raising of the price so far as Hindustan Motors are concerned.

Shri V. P. Nayar: From the newspaper report which I have referred to in the question, I do not find any policy laid down by Government in respect of manufacture of baby cars; it relates only to manufacture of medium cars and trucks. May I know what is the policy of Government in respect of baby cars and their manufacture in the country?

Shri Karmarkar: I appreciate my friend's enquiry. All I can say is that we will welcome any proposal with regard to baby cars. At the moment, I have no specific information on the file.

EXPORT OF COFFEE FROM MYSORE

*2444. **Shri N. Rachiah:** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether it is a fact that the Mysore Government have asked for Government of India's approval for the export of additional quantity of coffee from the State; and

(b) if so, what action has been taken by Government?

The Minister of Commerce (Shri Karmarkar): (a) The Mysore Government recommended, in November 1953, that export should be allowed of 3,000 tons from the pool stocks and a further export of 3,000 tons from the 1953-54 crop.

(b) 3,000 tons of Coffee were released for export from 1952-53 crop and 5,000 tons have already been released from the 1953-54 crop.

Shri N. Rachiah: May I know whether the Government are aware that the coffee growers in Mysore State have been subject to heavy loss and hardship as they could not get the approval of the Central Government well in time?

Shri Karmarkar: We are not aware of that; we gave it well in time.

INTERNATIONAL TIN AGREEMENT

*2445. **Shri K. P. Sinha:** Will the Minister of **Commerce and Industry** be pleased to state whether the International Tin Agreement which was worked out at the U.N. Tin Conference, has been signed by the parties concerned?

The Minister of Commerce (Shri Karmarkar): India will shortly be signing the Agreement. As for the other participating countries, Government have been informed that the U.S.A. will not be signatory to the Agreement. Government have, at present, no information whether the other participating countries have signed the Agreement or not.

Shri K. P. Sinha: May I know if the National Council has been established?

Shri Karmarkar: I do not think so; it will be established after these other participant countries have signed the agreement.

Shri K. P. Sinha: May I know the minimum and maximum price fixed for tin manufacture?

Shri Karmarkar: The floor and ceiling prices have been fixed at £380 per ton and £640 per ton respectively. The buffer stocks will be so operated that the tin prices do not fluctuate beyond the rate of £640 and £880 per ton.

Shri Raghavachari: May I know the names of the countries that participated in the Conference?

Shri Karmarkar: The Conference was held under the auspices of the United Nations. I have not got the names of other countries that participated, but we participated in that.

Short Notice Question and Answer

STATEMENT OF THE SOUTH AFRICAN PRIME MINISTER

S. N. Q. No. 11. **Shri Raghuramaiah** Will the **Prime Minister** be pleased to state:

(a) whether his attention has been drawn to the recent statement of the

South African Prime Minister in the South African Parliament that the Prime Minister of India has his eyes on Africa; and

(b) if so, what steps are being taken to counter-act this misleading propaganda?

The Prime Minister (Shri Jawaharlal Nehru): (a) Government have seen press reports of the statement.

(b) Government do not consider it necessary to take any special steps to refute such totally false and misleading allegations. The views of the Government of India on Colonialism are well-known. I would draw attention to the unanimous view expressed at the recent Conference of South East Asian Prime Ministers that colonialism and, I would add, racialism are a violation of fundamental human right and a threat to the peace of the world.

Shri Raghuramaiah: May I know whether the attention of the Prime Minister has also been drawn to a subsequent statement by the South African Minister of the Interior that in Fiji Island Indians were trying to push out the Fijis there and that the same is true of Ceylon, Pakistan, Mauritius and other countries, and that these movements were not spontaneous but were inspired by the Prime Minister of India?

Shri Jawaharlal Nehru: All I can say is, first of all, that some authorities in South Africa seem to be suffering both from a complex and a guilty conscience, and they seem to have a higher regard for my capacity for inspiring others than I possess myself.

Dr. Ram Subhag Singh: May I know whether it is a fact that Dr. Malan and people like him who believe in White supremacy and who are bent upon discriminating against Africans and Indians transforming Africa into a White land are jointly promoting a movement to defame India which has always stood on the side of Africans and meticulously tried to protect the interests of the people of Africa?

Shri Jawaharlal Nehru: It is rather difficult for me to deal with these matters because the Prime Minister of South Africa and some other Ministers there have gone so utterly absolutely beyond all reasonable bounds on this question of propriety in international affairs that I find it a little difficult to deal with such matters.

WRITTEN ANSWERS TO QUESTIONS

Purchase of Electric Meters

***2416. Shri Natesan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government have issued circulars to all State Governments that electric meters manufactured by certain firms in India only should be purchased by them and no import licence will be granted for this item; and

(b) whether it is a fact that these firms have been allowed to form a 'Ring' in so far as retail prices are concerned?

The Minister of Commerce (Shri Karmarkar): (a) Not in such terms. State Governments have been requested to patronise meters produced by indigenous manufacturers.

(b) Government have no reason to believe so.

Flats for Members of Parliament

***2434. Shri B. N. Misra:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of newly constructed flats for Members of Parliament in North and South Avenues, New Delhi;

(b) how many of them have been furnished;

(c) what was the estimated cost of the furnitures and what is the actual cost of the furnitures supplied in those flats; and

(d) what should be the assessment of rent on the scale of furnitures

supplied in those flats and what is the rent actually charged by Government from the occupants?

The Minister of Works Housing and Supply (Sardar Swaran Singh): (a) 72.

(b) 16; it is proposed to furnish another 26 flats also.

(c) and (d). A note explaining the position is placed on the table of the House. [*See* Appendix IX, annexure No. 75.]

मध्य भारत को अनुदान

*२४३९. **श्री डामर :** क्या योजना मंत्री यह बताने की कृपा करेंगे कि १९५४-५५ में मध्य भारत राज्य को पंचवर्षीय योजना के अन्तर्गत ऋण तथा अनुदान के रूप में कितनी कितनी राशि दी गई ?

The Deputy Minister of Irrigation and Power (Shri Hathi): Rs. 100 lakhs has been so far sanctioned as loan.

Safety Razor Blades

*2446. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether safety razor blades and other parts of safety razor sets are produced in the country;

(b) if so, the total annual production and the extent to which it fulfills the requirements of the country;

(c) what is the quantity imported in the last two years;

(d) whether any deterioration in the quality of the imported blades has been reported or whether old and used blades have been found to be sold as new ones; and

(e) if so, whether any inquiry has been made to trace the sources of these malpractices?

The Minister of Commerce (Shri Karmarkar): (a) Only safety razor blades are produced in the country.

(b) During 1953, about 23 million blades were manufactured in India. It is very difficult to estimate with any degree of precision the demand for blades. Since November 1953, there has been an upward trend in production which is now about 5 million a month.

(c) About 225 million blades were imported in 1951-52 and about 149 millions in 1952-53.

(d) Government have no information.

(e) Does not arise.

Weavers Co-operative Societies

*2447. **Shri Muniswamy:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a meeting of the representatives of Weavers' Co-operative Societies from different States was held at Banaras during the middle of April, 1954; and

(b) if so, what subjects were discussed there?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) A scheme for the setting up of an All-India Handloom Fabrics Co-operative Marketing Society for developing inter-State trading and export marketing in handloom cloth was discussed.

Panchet Hill Dam

*2448. **Shri H. N. Mukerjee:** Will the Minister of **Irrigation and Power** be pleased to state when the Panchet Hill Dam is likely to be completed?

The Deputy Minister of Irrigation and Power (Shri Hathi): By December 1956.

Agar-Agar

*2449. **Shri Sanganna:** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether extraction of agar-agar from Gracillaria done in the State of

Orissa is in collaboration with the Union Government; and

(b) if so, the extent to which the Union Government are interested?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

GIRIDIH AND BOKARO GOVERNMENT COLLIERIES

***2450. Shri Nageshwar Prasad Sinha:** (a) Will the Minister of **Production** be pleased to state which grades of coal raised in Giridih and Bokaro Government collieries are allowed to be sold locally?

(b) What is the total quantity of these kinds of coal sold at (i) Giridih group of collieries ; and (ii) Bokaro group of collieries during 1953?

(c) At what rate per ton are the different varieties of coal sold by Government to the contractors?

The Minister of Production (Shri K. C. Reddy): (a) Local sales are allowed from Grade IIIB coal produced in Giridih collieries and from Grades I and II coal produced from Bokaro Colleries.

(b) Giridih 4237 tons (Grade III B)
Bokaro 1379 tons (Grade I)

(c) At the controlled rates. It may be stated that sales are not effected through contractors. The Grade III B coal produced at Girdih collieries is alloted to a depot holder licenced by the Bihar Government. The local sale of coal from the Bokaro colliery is to the colliery contractors, who manufacture bricks and tiles for the use of the colliery administration.

ACTIVATED FULLERS EARTH

***2451. Shri Bhagwat Jha Azad:** (a) Will the Minister of **Commerce and Industry** be pleased to state what amount of Activated Fullers Earth has been imported during 1953?

(b) What is the total annual requirement of the country?

(c) Has any research been made to produce this earth internally?

The Minister of Commerce (Shri Karmarkar): (a) Statistics relating to the import of Activated Fullers Earth are not separately recorded in the Sea Borne Trade Accounts.

(b) About 3,000 tons.

(c) This is already being manufactured in the country.

CONFERENCE OF STATE DEVELOPMENT COMMISSIONERS

***2452. Shri Raghuramaiah:** Will the Minister of **Planning** be pleased to state:

(a) whether a conference of State Development Commissioners is scheduled to meet at Ootacamund; and

(b) if so, the objects of the conference?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes.

(b) The object of the Conference is to review the progress made so far and to consider the future programme for expansion of National Extension Service and Community Development, Training of personnel, etc.

तिब्बत के सम्बन्ध में भारत-चीन सम्मेलन

***२४५३. श्री भक्त दर्शन :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि

(क) क्या भारत तथा चीन के बीच तिब्बत सम्बन्धी वार्ता सफलतापूर्वक समाप्त हो गई है; और

(ख) यदि हां, तो क्या इस समझौते की एक प्रतिलिपि सदन-पटल पर रखी जायेगी ?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes.

(b) A copy of the agreement is laid on the Table of the House [*See* Appendix IX, annexure No. 35.]

SHOW-ROOM FOR HANDLOOM FABRICS

*2454. **Shri Muniswamy:** Will the Minister of **Commerce and Industry** be pleased to state whether any show-room has been opened in the City of Madras to popularise handloom fabrics?

The Minister of Commerce (Shri Karmarkar): Yes, Sir.

TEA TESTING SERVICE

*2454-A. **Shri H. N Mukerjee:** Will the Minister of **Commerce and Industry** be pleased to state what steps, if any, are being taken by Government to develop a tea-testing service manned by Indian nationals?

The Minister of Commerce (Shri Karmarkar): European Tea Broking Firms in Calcutta have recruited some Indian apprentices to provide training in tea tasting and Valuing.

No regular scheme has been drawn up so far.

TRADE-MARKS ENQUIRY COMMITTEE

*2455. **Shri Raghuramaiah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Trade-Marks Enquiry Committee has submitted its report; and

(b) if so, whether a copy of the same will be placed on the Table of the House?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Yes, Sir, in due course.

SOLVENT OIL EXTRACTION PLANTS

522. **Shri Bhagwat Jha Azad:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many solvent oil extraction plants have been set up so far and where; and

(b) what percentage of oil is extracted from the crushed cake by this process?

The Minister of Commerce (Shri Karmarkar): (a) Five—3 in Bombay, 1 in Saurashtra and 1 in Hyderabad.

(b) 6 to 10 per cent., depending on the initial oil content of oilcakes treated and the efficiency of the plant.

SPORTS GOODS INDUSTRY

523. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Study Group of the Sports Goods Industry has submitted its report; and

(b) if so, the important recommendations that have been given effect to?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement containing the recommendations made by the Study Group and the action taken thereon is attached. [*See* Appendix IX, annexure No. 76.]

ASSISTANCE TO STATES FOR DEVELOPMENT SCHEMES

524. { **Shri S. N. Das:** / **Shri Elayaperumal:** }

Will the Minister of **Planning** be pleased to state:

(a) the allotments made to the various States from the Centre by way of assistance for development schemes in the States during 1952-53 and 1953-54;

(b) the amount drawn by each of the States;

(c) whether any of the States have been unable to complete their schemes with the assistance so given; and

(d) if so, whether any further grants have been given to them to complete these schemes?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A statement indicating the allotments of Central assistance to States for development schemes under the Plan during 1952-53 and the amounts drawn during this period is laid on the Table

of the House. [*See* Appendix IX, annexure No. 77.]

The financial year 1953-54 has just closed, and therefore, the information regarding the amount of assistance drawn against these sanctions except for loans from Special Development Fund is being collected. A statement regarding loans and grants sanctioned during this period and the loans utilised from the special Development Fund is also placed on the Table of the House. [*See* Appendix IV, annexure No. 77.]

(c) and (d). Information is being collected from the State Governments.

RESIN

525. **Shri Nanadas:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there are any factories or plants in India manufacturing resin, which is used for plywood glue for processing water-proof plywood in India;

(b) if so, the names of such factories;

(c) the composition of their capital, whether Indian or foreign;

(d) if the answer to part (a) above be in the negative, the source of supply of resin;

(e) if by imports, the quantity imported in 1951-52, 1952-53 and 1953-54;

(f) whether manufacture of indigenous resin has been explored in India; and

(g) if so, the results of such exploration?

The Minister of Commerce Shri Karmarkar): (a) and (b). Yes, Sir. Two firms one in Bombay and other in U.P. Their names are—

(i) India Plywood Manufacturing Company Ltd., Bombay.

(ii) Plywood Products, Sitapur.

(c) The Bombay Firm's capital is entirely Indian, while that of the U.P. Firm is foreign to a major extent.

(d) to (g). Do not arise.

PROJECTS UNDER THE FIVE YEAR PLAN

526. **Shri Radha Raman:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the irrigation and power projects included in the Five Year Plan which had to be abandoned by each State; and

(b) the reasons for the same?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A statement giving the required information is laid on the Table of the House. [*See* Appendix IX, annexure No. 78.]

कृषि-यंत्र (आयात)

५२७. **श्री रघुनाथ सिंह:**
श्री एम० एल० द्विवेदी:

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) जब से सरकार ने लाइसेंस देने के सम्बन्ध में अपनी नीति की घोषणा की है तब से अब तक डॉलर तथा सुलभ मुद्रा क्षेत्रों से कृषि-यंत्रों तथा उनके पुर्जों के आयात के लिये कितने लाइसेंस दिये गये हैं; और

(ख) १९५३ में कितने मूल्य के कृषि-यंत्र तथा उनके पुर्जे भारत मंगाये गये ?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement is attached. [*See* Appendix IX, annexure No. 79.]

SHOW-ROOM IN CEYLON

528. Shri S. C. Samanta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the kinds of articles that are being exhibited at present in the show-room of the First Secretary (Commercial) to the High Commissioner for India in Ceylon; and

(b) whether the manufacturers of ready-made garments and motor accessories of India have sent their exhibits?

The Minister of Commerce (Shri Karmarkar): (a) Textiles and textile goods of all types—*e.g.*, cotton, silk, woollen, rayon and jute fabrics, and manufactures thereof including ready-made garments, Carpets. —

Handicrafts, such as embroidery work, bidriware, Nirmalware, wood work, brassware, filigree work, papier mache goods, shell products, marble work, leather work, ivory work, etc.

(b) Some manufacturers have sent samples of ready-made garments. Samples of motor accessories have not been sent.

MYSORE SANDAL-WOOD AND SANDAL-OIL

529. Shri N. Rachiah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of Mysore sandal-wood and sandal-oil exported during 1953;

(b) the countries to which exports were made; and

(c) the total value of such exports?

The Minister of Commerce (Shri Karmarkar): (a) to (c). During 1953, we exported 831 tons of sandal wood of the value of Rs. 28 lakhs and 55 tons of sandal wood oil valued at Rs. 47 lakhs. Separate figures for export of Mysore sandal wood and Sandal wood oil are not recorded in official statistics.

BUILDINGS FOR INDUSTRIAL CONCERNS

530. Shri K. C. Sodhia: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Central Public Works Department have constructed any buildings for any of the industrial concerns of the Central Government under Private Limited Companies during the last three years;

(b) if so, the total number of such buildings, the amount spent on each so far and the concerns to which they belong;

(c) whether the cost has been recovered from those private limited companies; and

(d) if not, the reasons therefor?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes.

(b) to (d). A statement giving the required information is placed on the Table of the House. [*See* Appendix IX, annexure No. 80.]

MACHINE TOOL FACTORY, JALAHALLI

531. Shri K. C. Sodhia: Will the Minister of **Production** be pleased to state:

(a) whether any Indians have been sent or are proposed to be sent for training in the factories of Oerlikon in Switzerland; and

(b) what is the total number of Indians on the supervisory staff of the Machine Tool Factory, Jalahalli?

The Minister of Production (Shri K. C. Reddy): (a) Yes. Five Indian technical officers and one supervisor have been sent and 14 supervisors are proposed to be sent for training in the factories of Oerlikon in Zurich, Switzerland.

(b) Sixteen on 28th April, 1954.

RESIDENTIAL HOUSES IN NEW DELHI

532. Shri S. C. Samanta: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) how many residential houses in New Delhi belong to Government

as their own or as requisitioned premises;

(b) which of them are subject to the Rent Control Act of 1952; and

(c) the number of Government-owned premises which have been newly constructed since 1947?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) 17,505, including 173 requisitioned houses, but excluding 8881 tenements and 3,439 houses built by the Ministry of Rehabilitation for being given out on rent and for sale respectively to displaced persons.

(b) The Delhi and Ajmer Rent Control Act, 1952, does not apply to Government premises or to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease or requisitioned by the Government *vide* Section 3 of the Act.

(c) 7,916, excluding the Ministry of Rehabilitation tenements and houses referred to in part (a).

उत्तर प्रदेश में स्थानीय निर्माण कार्य

५३३. **श्री भक्त दर्शन :** क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) स्थानीय निर्माण कार्यों के लिये १९५३-५४ में जो ३ करोड़ रुपये निर्धारित किये गये थे, उनमें से उत्तर प्रदेश के लिये कितनी राशि स्वीकृत की गई ;

(ख) राज्य सरकार ने कौन कौन सी योजनाएं केन्द्र की स्वीकृति के लिये भेजीं तथा उनमें कितने कितने व्यय का अनुमान था ;

(ग) कौन कौन सी योजनाएं स्वीकार कर ली गईं ;

(घ) वर्ष के अन्त तक राज्य सरकार को किन किन योजनाओं के लिये कितना कितना धन दिया गया ?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Rs. 44·30 lakhs.

(b) to (d). Details of schemes approved by the U.P. Government under the Local Works Programme are not separately available, as these are part of the comprehensive programme followed in U.P. in connection with the *Shramdan* drive.

COMPENSATION TO DISPLACED PERSONS

534. **Shri Janardhan Reddy:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that 315 claimants from amongst displaced persons were given compensation during the week ending the 3rd April, 1954; and

(b) if so, what is the amount of compensation paid to them?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) Rs. 15,39,654.

IMPORT OF COPRA AND COCOANUT OIL

535. **Shri Achuthan:** (a) Will the Minister of **Commerce and Industry** be pleased to state what is the present import policy relating to copra and cocoanut oil?

(b) What was the price of inland copra during the first quarter of this year and what was it during the last quarter of the previous year?

(c) Have Government noted the recommendation of the Central Cocoanut Committee which held its meeting at Earnakulam in April 1954 with regard to the quantum of copra to be imported?

(d) If so, do Government intend to take any steps on the recommendation?

The Minister of Commerce (Shri Karmarkar): (a) Copra and Coconut oil. During the current period imports are permitted both of copra and coconut oil, by established importers equal to 100 per cent. of half their best year's imports. Licences are also issued to actual users according to their requirements and to new-comers. Not more than two-third of the face value

of licences issued for coconut oil can be used for the import of coconut oil. The balance one third can be used for the import of copra or coconut kernel. One third of the face value of the licences may be utilised for the import of palm oil in lieu of coconut oil. —

(b) A statement is attached. [*See* Appendix IX, annexure No. 81.]

(c) Yes, Sir.

(d) The recommendation will be considered while formulating the import policy for July-December, 1954.

PILGRIMS TO MECCA

536. **Shri G. L. Chaudhary:** Will the **Prime Minister** be pleased to state:

(a) the number of pilgrims who went to Mecca for 'Haj' in 1953; and

(b) the number of persons who died during the pilgrimage?

The Prime Minister (Shri Jawaharlal Nehru): (a) 9,083.

(b) 98.

EXPENDITURE IN ANDHRA UNDER THE FIVE YEAR PLAN

537. **Shri Eswara Reddi:**
Shri C. R. Chowdary:

Will the Minister of **Planning** be pleased to state:

(a) the amount spent in Andhra area under the Five Year Plan on different heads upto the formation of this State;

(b) the financial assistance given under the Plan after the formation of this State; and

(c) how much of it has been utilised and how much allowed to lapse by the Andhra Government and under what heads?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 82.]

(b) A loan of Rs. 375 lakhs was sanctioned for the period October, 1953 to March, 1954 for development schemes in the State Plan.

(c) The information is not yet available.

SALT FACTORIES

538. **Pandit Lingaraj Misra:** (a) Will the Minister of **Production** be pleased to state how many salt factories are working on lands given by the Central Government?

(b) Do Government realise any land rent from the factory owners?

(c) How many of these factories are owned by Government and how many are run by Joint Stock Companies or by Co-operative Societies?

(d) How many factories are not paying any land rent to Government?

The Minister of Production (Shri K. C. Reddy): (a) to (d). The required details are being collected and will be laid on the Table of the House as soon as possible.

NATIONAL EXTENSION SERVICE BLOCKS IN MANIPUR

539. **Shri Rishang Keishing:** Will the Minister of **Planning** be pleased to state:

(a) the number of National Extension Service Blocks allotted for Manipur State in 1954-55;

(b) the villages or areas covered by the National Extension Service Blocks;

(c) the number of trained personnel employed in the Blocks; and

(d) the number of persons from Manipur now undergoing training for the National Extension Service Blocks?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No decision has so far been reached.

(b) to (d). Do not arise.

PROHIBITION

540. **Shri Raghuramaiah:** Will the Minister of **Planning** be pleased to state:

(a) whether the Planning Commission is considering the appointment of

a committee to study in detail the working of prohibition in the country; and

(b) if so, when the committee is likely to be appointed?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The Planning Commission is arranging for a study of certain aspects of the programme for prohibition. At a later stage in the study, the appointment of a committee will be considered.

CEMENT QUOTA FOR BIHAR

541. Shri G. P. Sinha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of cement quota allotted to Bihar in 1953-54; and

(b) what is the total production of cement in Bihar?

The Minister of Commerce (Shri Karmarkar): (a) 121,200 tons.

(b) 848,473 tons.

THOUBAL COMMUNITY PROJECT

542. Shri Rishang Keishing: Will the Minister of **Planning** be pleased to state:

(a) the area and population covered by the Thoubal Community Project:

(b) the progress of this Project during 1953-54;

(c) how is the working and progress of this Project as compared with 1952-53; and

(d) the difficulties experienced so far in this Project and the steps taken to remove them?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Area 200 sq. miles, population 1,02,118.

(b) and (c). A statement showing the progress made from quarter to quarter during the year 1953 is laid on the Table of the House. [*See* Appendix IX, annexure No. 83.]

(d) In the initial stage, some difficulties were experienced mainly with regard to lack of trained personnel which have since been overcome.

INDO-PAKISTAN CONFERENCE IN NEW DELHI

543. Shri Raghuramaiah: Will the **Prime Minister** be pleased to state:

(a) whether a high powered Indo-Pakistan conference was held recently in New Delhi to deal with the question of recovery of abducted women; and

(b) if so, what were the decisions arrived at?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, it was held on 6th, 7th and 8th of May, 1954.

(b) A copy of the Communique, embodying the points on which agreement was reached, is placed on the Table of the House. [*Placed in the Library. See* Index No. S—176/54.]

केसर

५४४. **श्री रघुनाथ सिंह :** क्या **वाणिज्य तथा उद्योग** मंत्री २९ अप्रैल, १९५४ के पूछे गये तारांकित प्रश्न संख्या २१३४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) १९५३-५४ में केसर के आयात के लिये कितने लाइसेंस दिये गये ;

(ख) स्पेन से कितने मूल्य का केसर मंगाया गया ; और

(ग) भारत में खपत के लिये कितना केसर प्रति वर्ष काश्मीर से प्राप्त होता है ?

The Minister of Commerce (Shri Karmarkar): (a)—

Licensing period	No. of licences
January-June 1953	108
July-December 1953	87
January-June 1954 (up to 10-4-1954)	34

(b)

Period	Value in '000 of Rs.
January-June 1953	552
July-December 1953	565
January-March 1954	283

(c) Precise information is not available. It is understood that about 2,000 lbs. are imported from Kashmir for sale in India per year.

DRUGS

545. Dr. Rama Rao: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of companies, with their capital, manufacturing Sulphathiozole and Isonicotinyl Hydrazide in India;

(b) how many of them are (i) entirely Indian, (ii) entirely foreign, and (iii) mixed;

(c) what is the amount of Indian capital and non-Indian capital in the case of mixed companies; and

(d) how much of Sulphathiozole and Hydrazides were imported in 1953?

The Minister of Commerce (Shri Karmarkar): (a) Four. Their total capital investment is about Rs. 3·3 crores.

(b) (i) Two.

(ii) One.

(iii) One.

(c) Indian—Rs. 1,76,17,740.

Foreign—Rs. 10,00,000.

(d) Information is not readily available as these two items are not separately indicated in the Indian Customs Returns.

RADIO RECEIVERS

546. Dr. Rama Rao: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of Radio-receivers imported in 1950, 1951, 1952 and 1953;

(b) the number manufactured in India in these years; and

(c) the estimated cost of the imports?

The Minister of Commerce (Shri Karmarkar): (a) to (c). A statement is attached. [*See* Appendix IX, annexure No. 84.]

INDIAN SERVICES CLUB, LONDON

546-A. Shri S. N. Das: Will the **Prime Minister** be pleased to state for what purpose the premises in Audley Street in London in which the Indian Services Club was housed so far are being used at present?

The Prime Minister (Shri Jawaharlal Nehru): The Indian Services Club has been closed down with effect from the 26th February, 1954. The High Commissioner had proposed to utilise the building at 8 South Audley Street in the following manner after the closing down of the Club:

(1) Rooms on the first floor to be retained as public rooms for purpbses of entertainment of officers including visiting officers—Service as well as civilian—under the general control of the High Commissioner.

(2) A canteen to continue to be run in the basement to provide luncheons and teas for the staff.

(3) The rest of the accommodation to be occupied by that portion of the India Store Department staff which could no longer be accommodaed

in the Edgeware Road building consequent upon notice of vacation received in respect of the ground floor there.

The High Commissioner had reported that certain changes in the building as well as arrangements for the disposal of the surplus furniture would have to be made. Meanwhile the High Commissioner was asked to furnish final proposals in detail and these are awaited. A statement showing the final utilisation of the premises at South Audley Street will be placed on the table of the House as soon as the recommendations of the High Commissioner have been received and a decision has been reached.

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THE Dated 27/1/2011
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

HOUSE OF THE PEOPLE

Wednesday, 12th May, 1954

The House met at a Quarter Past Eight of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-16 A.M.

QUESTION OF PRIVILEGE

Shri N. C. Chatterjee (Hooghly): Mr. Speaker, I want to raise, with your permission, a question of privilege, not merely of myself as a Member of this House, but of this House itself.

Late last night I was served with a notice issued by the Secretary of the Council of States which runs in these terms:

"No. CS.21(2)/54-L, dated 11th May, 1954.

Sir,

I am directed to refer to the speech delivered by you at the concluding session of the All-India Hindu Mahasabha held at Hyderabad on the 10th May, 1954, as reported in the 'Statesman' and certain other English newspapers of Delhi on the 11th May, 1954, and to state that according to the said report you appear to have said in the course of that speech, while referring to the Special Marriage Bill recently passed by the Council of States, that it was a 'wonderful Parliament' which was considering the Bill and that the Upper House 'which is supposed to be a body of elders seems to be behaving irresponsibly like a pack of urchins'. The words quoted have been made the subject-matter of a question of privilege raised by a Member of the Council of States at the sitting of the Council today on the ground that they constitute a reflection on the proceedings of the House and a violation of the rights and privileges of the House. It has been further contended that these words amount to an indignity offered to the Council of States. Before the Chairman takes further action in the matter, I am directed to request that you will kindly intimate to this Secretariat whether the statements attributed to you have been correctly reported in the newspapers, particularly the 'Statesman'.

2. I am further to request that an immediate reply to this communication may kindly be sent.

Yours faithfully,
(Sd.) S. N. Mukerjee,
Secretary.

Shri N. C. Chatterjee, M.P.,
7-B, Pusa Road,
New Delhi."

It is addresed to me as M.P.,—Member of Parliament—and the Division Number is also given—360.

I maintain that it is an extraordinary procedure that a Member of the House of the People has been served with a notice like this by the Secretary of the Council of States. It suggests there has been a breach of dignity and violation of the rights and

[Shri N. C. Chatterjee]

privileges of the Upper House and lowering of the prestige of that Upper House. If any judgment or adjudication has to be made or given, it should be made by the House of the People or by you the Speaker.

I find in May's *Parliamentary Practice* it is clearly laid down:

> "When a member, officer, or servant of either House has been guilty of any offence either against the other House or against its members, which would be punishable by the latter if committed by one of its own members, officers, or servants, it is the duty of the House to which such offender belongs. upon being apprised of the fact, to take proper measures to inquire into and punish the offence in a proper manner".

Therefore, I submit if there is any offending Member, or if I have committed any offence, it is you and you alone, and this House and this House alone, which can make an enquiry and pass judgment and I am amenable to the jurisdiction of you as the Speaker and of this House alone. No writ of another House can run. Only the writ of this House can run.

I have been reminded that I am a responsible person who occupied responsible positions and do still hold some responsible positions and, therefore, I should speak in a responsible manner. With the fullest sense of responsibility I say that the last sentence is rather extraordinary. It says "before taking any action". That indicates that the other House would take action against me, and that will be usurpation of jurisdiction which is not warranted.

I do not want to say anything further. I am absolutely in your hands and in the hands of the House. If you think that I should make any statement as to the facts or that I should comply with this notice or summons or whatever you call it, or requisition, I shall do it. But, so far as I know, so far as I remember the history of the English Constitution, very strong speeches were delivered by very prominent Members of the House of Commons commenting on the House of Lords and their proceedings were criticised very strongly, in language which was very much stronger. Very prominent Members like Mr. Lloyd George and other Members said that the Upper House, the House of Lords, was wholly an ineffective, inefficient body, a thoroughly antiquated body of fossils which ought to be weeded out and it was acting as a clog on democracy. So far as I know, no action has been taken and nobody's rights and dignities were injured. Whatever it is..

Shri Gadgil (Poona Central): Was it in the House of Commons or outside?

Shri N. C. Chatterjee: In the House of Commons and outside, both. Hundreds of speeches like that were delivered by very prominent Members. Whatever it is, I submit it is an important matter where a requisition like this has come to one Member of your House, it is entirely for you to indicate the procedure and to guard the privileges of the Members of this House against any usurpation or infraction of their rights and privileges by the other House or by the Secretary of that House.

Mr. Speaker: I think I have heard the point. I do not propose to decide anything at present. I will have to study it and hear the Members who wish to address me on this point.

The Minister of Commerce (Shri Kasmarkar): The "action" may well be to report to the Speaker.

Mr. Speaker: I should like to hear if they have to say anything on the question of procedure to be followed in such cases.

An Hon. Member: The Leader of the House is here.

Mr. Speaker: I know. What I was suggesting was, a point has been just raised. Let hon. Members take some time to think about it. Let them take time to make references to precedents in the British House of Commons or British democracy, and then I shall have a hearing before coming to a conclusion.

Shri S. S. More (Sholapur): May I make one submission? Mr. Chatterjee has been called upon to make a statement regarding the correctness or otherwise of the particular statement. Will this House indicate its pleasure whether Mr. Chatterjee should submit to that order or not? I want to point out a precedent. The hon. Law Minister was instructed by the other House not to appear before this House.

Mr. Speaker: Order, order.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): As you have been good enough to say that you will consider the matter and have some occasion to discuss it if necessary, I would only submit one or two matters which might be considered by you and the House, before you decide.

The first point is that the incident referred to has nothing to do with this House. It has occurred outside. And it is a question whether a Member of this House behaving or misbehaving outside should come and seek the shelter of this House for his behaviour or misbehaviour outside, which has nothing to do with this House.

The second question is an inquiry has been put to him to say whether he said something in his capacity not as a Member of this House, but outside. These two matters have to be borne in mind. It is very easy to refer to privileges of this House and that House, but there are some things which occur outside these Houses, and an inquiry about them is normally made, and I suggest that some action will be taken on the basis of that inquiry. When we do not know what that action is, it seems rather premature and going beyond the facts of the case.

Mr. Speaker: It is not my idea to go into the facts of the case or decide on merits anything, but as a question of procedure has been raised for the first time, as to how action can be taken by either House in respect of statements made with reference to the other House, whether inside or outside that House.....

Shri Jawaharlal Nehru: Outside the House has nothing to do with the House. If a Member does something outside the House, it is in his capacity as a citizen, not as a Member of the House. The Hindu Mahasabha is not a part of this House yet, I know.

Shri N. C. Chatterjee: May I point out one thing.....

Mr. Speaker: Order, order. I am not deciding that point. Even so, the question to be considered is what should be the proper procedure, whether it should be by direct action or at the instance of the other House or through some other procedure. That is an important point which should be constitutionally decided once and for all, after deliberation.

Shri Jawaharlal Nehru: The present question is whether an inquiry about the veracity of a report is justifiable or not. That is the only question. I do not know what procedure is coming, when an inquiry has been made.

Mr. Speaker: That itself will imply the initiation of procedures. It may be a preliminary inquiry, but it will require some initiation of proceedings in respect of the conduct of a Member of this House, and then we shall have to go into this question. I am not deciding this question at all, but I am merely saying that I shall hear, and the House will have an opportunity of

[Mr. Speaker]

discussing and deliberating in regard to the proper procedure in such matters. While discussing that, our aim will be to examine the question in regard to statements made by a Member outside the House, not relating to business of this House, whether he made them as a Member of this House or as a citizen etc. All those questions will have to be gone into.

The Minister of Law and Minority Affairs (Shri Biswas): May I take it that the procedure which you have been pleased to indicate will also include an inquiry into the question whether, when a newspaper report is brought to the notice of the Speaker or the Chairman of the Council of States, it is or is not open to the Speaker or the Chairman of the Council of States to direct the Member who is reported to have made a statement to say whether he actually made that statement? Will that question also be considered in the course of the discussion?

Shri Jawaharlal Nehru: The only question one must remember is— it is always an interesting proposition to consider the possibilities, probabilities, inferences and what may happen— whether an inquiry can be made as to the correctness of a report. That is all that has been done. I really fail to understand what all this pother is about.

Mr. Speaker: I am unable to carry conviction. I am not deciding anything on the merits. The only question is what is the nature of this inquiry that has been made, and whether the procedure followed is the correct one, or some other procedure has to be followed. Whatever is decided will equally apply when some Member of the other House makes speeches outside even in his private capacity with reference to the conduct of proceedings in this House. If this House decides that there is no jurisdiction, the course will be in that direction. But we must try to find out and see what should be the correct procedure. That is the only point. I am not concerned at present with merits. I do not propose to anticipate anything. That is not in my mind. It is only a procedural point, if I may say so. As I said earlier, let us not immediately proceed to consider this point. I have just heard what the hon. Member had to say on the question of privilege. Let the hon. Members consider this point. Let them refer to precedents on this point and be ready with whatever arguments they have to urge from the point of view of procedure. Then, we should once and for all decide this procedure. I am not taking on myself the burden of deciding this thing. It is an important issue, to my mind, which cannot be disposed of immediately.

Shri Raghavachari (Penukonda): May I submit one point? We must not forget that this inquiry whether a particular thing is a fact or not is intended only with a view to take action upon it.

Mr. Speaker: I am not concerned with the intention. I should put it on a much simpler basis saying that it is the first step in initiation or by way of initiation of an inquiry. I put it at least at that. Whether that also comes as an initial step in an inquiry or not will be a question which we shall discuss in regard to the procedure. For example, it can as well be suggested that if there was any such report, instead of initiating proceedings, the other House will have done well to make an inquiry from this Secretariat and ask the Member of this House to state as to whether that statement was correct or not. I am merely suggesting it for the purposes of argument. I am not stating it as my view. It is not my view. But I think we must....

Shri S. V. Ramaswamy (Salem): On a point of information. Were you

addressed on this question whether a Member of this House said such and such a thing? Are you aware of this fact?

Mr. Speaker: I know it from the letter, which he has read out.

Shri Jawaharlal Nehru: May I say a word, Sir? I was present in the Council of States, when this happened. An hon. Member got up and drew the attention of the Chairman to a report of the speech in *The Statesman* or some paper, and the Chairman then said, I can take no action on it, I can only enquire whether this report is correct or not, then the matter might be considered. The only question is the Chairman said, I do not know if this report is correct, merely reading the newspaper you may say anything, but I should know whether the report is correct or not. All that he said was, I shall enquire if the report is correct. That is all that has taken place.

Shri S. S. More: Through what medium? (*Interruptions*).

Shri Sadhan Gupta (Calcutta—South-East): Since the whole thing hangs over a letter, I think it will be advantageous to us to have a copy of the letter and see what really is the intention of the other House. So, can we have the letter laid on the Table of the House?

Mr. Speaker: It has gone into the proceedings, and hon. Members can have a copy of the proceedings, if they like.

PAPERS LAID ON THE TABLE

Reports of Training and Employment Services Organisation Committee and National Trades Certification Investigation Committee

The Minister of Labour (Shri V. V. Giri): I beg to lay on the Table a copy of each of the following Reports, in pursuance of assurances given by me from time to time:—

(i) Report of the Training and Employment Services Organisation Committee. [*Placed in Library. See* No. S-159/54.]

(ii) Report of the National Trades Certification Investigation Committee. [*Placed in Library. See* No. S-160/54.]

Statement in connection with Demands for Grants (Railways), 1954-55.

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy of the statement containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1954-55. [*Placed in Library. See* No. S-161/54.]

ESTIMATES COMMITTEE

Presentation of Seventh Report

Shri M. A. Ayyangar (Tirupati): I beg to present the Seventh Report of the Estimates Committee on the Ministry of Food and Agriculture.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Presentation of Ninth Report

Shri M. A. Ayyangar (Tirupati): I beg to present the Ninth Report of the Committee on Private Members' Bills and Resolutions.

HINDU MARRIAGE AND DIVORCE BILL

Secretary: Sir, under Rule 178 of the Rules of Procedure and Conduct of Business in the House of the People, I have to report that two petitions as per statement laid on the Table have been received relating to the Hindu Marriage and Divorce Bill, 1952, as introduced in the Council of States.

STATEMENT

Petitions relating to the Hindu Marriage and Divorce Bill, 1952, as introduced in the Council of States.

Number of Signatories	District or Town	State	No. of petition
2	New Delhi	Delhi	9
14,90	,,	,,	10

APPOINTMENT OF PARLIAMENTARY COMMITTEE TO REVIEW RATE OF DIVIDEND PAYABLE BY RAILWAY UNDERTAKING TO GENERAL REVENUES

The Minister of Railways and Transport (Shri L. B. Shastri): I beg to move:

"That this House resolves that

(i) a Parliamentary Committee consisting of twelve Members of this House to be nominated by the Speaker be appointed to review the rate of dividend which is at present payable by the Railway Undertaking to the General Revenues as well as other ancillary matters in connection with the separation of Railway Finance from General Finance, and make recommendations thereon by the 30th November, 1954; and

(ii) that this House recommends to the Council of States to agree to associate six Members from the Council with the Committee and to communicate the names of the Members so appointed to this House."

Mr. Speaker: I shall put the motion to the House....

Shri Ramachandra Reddi (Nellore): May I enquire why so many Members have been put into this committee—about 12 from this House and 6 from the other House? In all matters connected with finance, it is much better that we have a smaller committee than such a committee as this. So the reason why such a big committee has been proposed by the hon. Minister of Railways may kindly be mentioned.

Mr. Speaker: I cannot give what he has in his mind. But it appears to me that, in view of the very large number of Members in both Houses—the number is 750 all told—in order to give a representative character to the committee, it may perhaps be necessary to have a larger committee rather than a smaller committee. That is what I think. I do not know what the Minister has to say.

Shri L. B. Shastri: I wanted that all the parties should be represented on this committee.

Mr. Speaker: The question is:

"That this House resolves that

(i) a Parliamentary Committee consisting of twelve Members of this House to be nominated by the Speaker be appointed to review the rate of dividend which is at present payable by the Railway Undertaking to the General Revenues as well as other ancillary matters in connection with the separation of Railway Finance from General Finance, and make recommendations thereon by the 30th November, 1954; and

(ii) that this House recommends to the Council of States to agree to associate six Members from the Council with the Committee and to communicate the names of the Members so appointed to this House."

The motion was adopted.

HINDU MARRIAGE AND DIVORCE BILL—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri C. C. Biswas on the 10th May 1954, namely:—

"That this House concurs in the recommendation of the Council of States that the House do join in the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus and resolves that the following members of the House of the People be nominated to serve on the said Joint Committee, namely, Shri N. Keshavaiengar, Shri Gurmukh Singh Musafir, Shri Ranbir Singh Chaudhuri, Shri S. V. Ramaswamy, Shri Narendra P. Nathwani, Shri Jayantrao Ganpat Natawadkar, Shri Fulsinhji B. Dabhi, Shrimati Tarkeshwari Sinha, Pandit Dwarka Nath Tiwary, Shrimati Anasuyabai Kale, Shri H. C. Heda, Sardar Amar Singh Saigal, Shri Suriya Prashad, Shrimati Ila Palchoudhuri, Shri Nibran Chandra Laskar, Shri T. Sanganna, Pandit Sheo Narayan Fotedar, Shri Paidi Lakshmayya, Shri Ram Sahai Tiwari, Shri Panna Lal, Shrimati Uma Nehru, Shrimati Renu Chakravartty, Shri Bijoy Chandra Das, Shri Durga Charan Banerjee, Shri V. Veeraswamy, Her Highness Rajmata Kamlendu Mati Shah, Shri B. S. Murthy, Shri K. S. Raghavachari, Shri Nand Lal Sharma and Shri Digvijaya Narain Singh."

What time will the hon. Minister take for reply?

The Minister of Law and Minority Affairs (Shri Biswas): About half an hour or so.

Mr. Speaker: The time allotment that remains now is 4½ hours—4 hrs. and 32 minutes to be more exact. So we must put through this by 1-15 or at the latest, 1-17.

Shri C. D. Pande (Naini Tal Distt. *cum* Almora Distt.—South West *cum* Bareilly Distt.—North): It is 9-40, Sir,

Shri K. K. Basu (Diamond Harbour): Half an hour may be allowed tomorrow.

Mr. Speaker: It cannot be helped. I have no objection if the House sits for it even the whole of tomorrow and the day after. But the real point is that we make certain decisions and we must try our best to stick to those decisions.

Shri Biswas: May I suggest this: let the discussion go on the whole of this day, and tomorrow you may call upon me to reply. If you give me half an hour, I shall speak for half an hour; if you give me a little longer time, I shall speak longer also.

Mr. Speaker: That is indeed very sweet on the part of the Minister. Then he will reply tomorrow. But the difficulty again will arise in connection with successive debates. Hon. Members must remember that. But it does not matter at all; it is in their hands. They may discuss and even prolong the session for a day or two. I would not come in their way.

Shri C. D. Pande: There are enough days.

Mr. Speaker: I do not know whether there is enough business also.

Now, Mr. Jangde will speak. Hon. Members will remember again that they should curtail their speeches as much as possible. I think a good deal of ground has already been covered, and the hon. Member may just mention the points.

श्री जांगड़े (बिलासपुर—रक्षित—अनुसूचित जातियां): अध्यक्ष महोदय, कल मैं हिन्दू विवाह और तलाक़ के सम्बन्ध में बोल रहा था और इस सम्बन्ध में मैं यह कह रहा था कि हमारे बहुत से सदस्यों ने यह कहा कि इस विवाह और तलाक़ के पहले हिन्दुओं में अभी जो प्रथा है, उस प्रथा के अनुसार स्त्री जाति पर बहुत अत्याचार होता है और स्त्री जाति

[श्री जांगड़े]

को इस अत्याचार से मुक्ति दिलाने के हेतु यह विवाह और तलाक का विधेयक लाया गया है ।

[MR. DEPUTY-SPEAKER *in the Chair*]

मैं इस बिल का समर्थक हूं और इसे आवश्यक समझता हूं, लेकिन कल जो मैं आप को बतला रहा था कि मेरे वहां मामला उल्टा है और स्त्रियां पुरुषों पर अत्याचार करती हैं उस का मैं स्पष्टीकरण करना चाहता हूं और हमारे यहां स्त्री जाति पुरुष जाति पर किस तरह से अत्याचार कर रही है, उस का उदाहरण मैं आप को देना चाहता हूं । हमारे यहां देश के अन्य भागों में वर के संरक्षकों को रुपया दहेज में दिया जाता है पर हमारे यहां मामला उल्टा है, हमारे यहां वधू के संरक्षकों को रुपया और दहेज दिया जाता है ।

श्री सी० डी० पांडे : हमारे यहां भी है ।

श्री जांगड़े : देश के अन्य भागों में आप पाते हैं कि पति जब चाहे अपनी पत्नी को निकाल देता है और दूसरी शादी कर लेता है, पर हमारे यहां बिल्कुल उल्टा रिवाज है कि पत्नी जब चाहे तब अपने पति को छोड़ कर मायके में जा कर रह सकती है और उस पत्नी की मां उसे जहां चाहे भेज सकती है और इस सम्बन्ध में यदि आप कोई पंचायत करें तो पंचायत को मामला निबटाने में मैं समझता हूं वर्षों लग जाते हैं और तब भी कोई फैसला नहीं होता । अदालत में अगर ४९७, ४९८ दफ़ा में प्रोसीड करते हैं तो अदालत में तीन तीन साल बीत जाते हैं और कोई फ़ैसला नहीं होता और आखिर में यह कह दिया जाता है कि बेहतर यह होगा कि आप दोनों में आपस में राजीनामा कर लो, हमारी ओर से कोई सजा या जुर्माना नहीं होने वाला है और इस तरह आप समझ सकते हैं कि किस प्रकार से औरत जाति हमारे यहां पुरुषों पर अत्याचार करती है । मैं आप को बतलाऊं कि हमारे यहां की जो औरतें हैं यदि उन के बालों में तेल न लगे या उन के पिता अथवा माता का यदि उन के ससुराल वाले स्वागत न करें और उन को ठीक तरह से खाना पानी न मिले तो एक दम वह अपने पति को छोड़ देती है और जाकर दो साल तक मां के वहां रहती है और इस बीच उस के मां बाप उस के लिये दूसरे वर की खोज में रहते हैं और जब वर मिल जाता है, तो उस के घर बैठ जाती है और अपने पहले पति को छोड़ देती है और यदि उस पर मुक़दमा चलाया गया, तो अदालत की प्रोसीडिंग्स को डिले करने के लिये या यूं कहिये विलम्ब डालने के लिये वह यह करते हैं कि पत्नी को खड़गपुर, कलकत्ते या कोयला खदानों में या दूसरे अन्य क्षेत्रों में पहुंचा देते हैं और अदालत का सम्मन उन तक पहुंचने में दो तीन साल बीत जाते हैं और दूसरे पहले पति का सैंकड़ों और हजारों रुपया अदालत का दरवाजा खटखटाने में बर्बाद हो जाता है । अदालत में लोग जाने की हिम्मत नहीं करते हैं और अगर यह मामला पंचों की पंचायत में ले जाते हैं तो वहां पर पंचायत में भी एक तरफ़ पत्नी के गांव वाले रहते हैं और पति के गांव वाले दूसरे तरफ़ रहते हैं और वहां पर आखिर में जीत किस की होती है, आखिर में पुरुष को ही बाध्य होना पड़ता है और चाहे पति ने दो हजार रुपया शादी में खर्च किया हो, लेकिन अगर पत्नी पक्ष वाले कहते हैं कि नहीं केवल २० रुपया ही हम कंसेंट मनी जिस को हमारे वहां 'बून्दा' कहते हैं देंगे तो उस को बाध्य हो कर बीस रुपये के लिये राजी होना पड़ता है ।

मध्य प्रदेश के आधे हिस्से में, छत्तीसगढ़ के हिस्से में जहां आदिवासी रहते हैं, हरिजन या और अन्य लोग बसते हैं उन में करीब ९० प्रतिशत लोगों में यह लूज मैरिज एन्ड डाइवोर्स की प्रथा चालू है, ढीला विवाह और तलाक़ की प्रथा चालू है। और मैं अपने जाती अनुभव से आप को बतला सकता हूं कि जब मैं दौरे पर जाता हूं, तो मेरे सामने विवाह और तलाक़ आदि के सैंकड़ों मामले फ़ैसला करने के लिये आते हैं और उन का फ़ैसला करना बड़ा मुश्किल होता है। हमारे यहां बालविवाह की प्रथा प्रचलित है और जिस में माता और पिता लड़के और लड़की के चरण पखारते हैं और दहेज आदि देते हैं, उस समय तो उन को कोई खतरा नहीं होता लेकिन जब वह लड़की सियानी होती है, तो हमेशा वह डर और सन्देह बना ही रहता है कि न जाने किस के साथ वह निकल जाये और जब तक उस लड़की के एक या दो बच्चा नहीं हो जाता तब तक यह विश्वास करना मुश्किल होता है कि उस की पत्नी उसी के पास उस के घर में रहेगी। दिविजों में तलाक़ की प्रथा बिल्कुल नहीं है और जब लड़की किसी भी उम्र में विधवा हो जाती है, बचपन में या किसी भी उम्र में, तब वह दूसरा विवाह कर ही नहीं सकती और अन्दर ही अन्दर कोई जुर्म कर लेती है।

Sardar Hukam Singh (Kapurthala-Bhatinda): The hon. Member wants emancipation of men?

श्री आंगड़े : इस लिये आप यह देखेंगे कि इस छत्तीसगढ़ इलाके में पुरुष स्त्री की यौवनावस्था तक ही शादी कर सकते हैं। बुढ़ापे में शादी उस की हो पानी मुश्किल है। पुरुष तो बुढ़ापे में भी शादी कर सकता है लेकिन कोई पुरुष बुड्ढी स्त्री से शादी करने को तैयार नहीं होता है। यह एक निर्विवाद सत्य है। जीवन भर में वह तीन या चार बार विवाह कर लेता है। पहले एक स्त्री से उस का विवाह हुआ, जब वह छोड़ कर चली गई तो फिर उस ने दूसरी से शादी की, दूसरी छोड़ कर गई तो तीसरी से शादी कर ली। तीसरी भी छोड़ गई तो फिर चौथी से कर ली। इस प्रकार उसे जीवन भर में तीन या चार औरतों से शादी करनी पड़ती है और उस का रुपया बर्बाद होता है। छत्तीसगढ़ के इलाके में हमारी आर्थिक क्षति का यह भी एक प्रधान कारण है।

दूसरे प्रकार का अपवाद मैं आप को और बताना चाहता हूं। राजस्थान में औरतों के ऊपर बहुत अत्याचार होता है। चूंकि मेरी बहन सुभद्रा जोशी मुझ पर जरूर नाराज़ होंगी, इस लिये मैं दूसरा उदाहरण भी देना चाहता हूं। राजस्थान में आप ने देखा होगा, और हमारे राजस्थान के भाइयों को मालूम होगा कि वहां पर स्त्रियों पर क्या क्या अत्याचार होता है। वहां पर दहेज इतना ज्यादा होता है कि उस दहेज के बोझ से बचने के लिये अगर किसी घर में लड़की होती है तो उस का पिता उस का गला घोंट देता है ताकि उस की मुक्ति दहेज देने से हो जाय।

श्री मुरारका (गंगानगर-झुंझनूं) : सिर्फ राजपूतों में होता था सब में नहीं।

श्री आंगड़े : शायद आप को इस का ज्यादा पता है, लेकिन मुझे इस की खुशी है कि आप ने मेरी बात का समर्थन किया है। तो आप यह देखेंगे कि राजस्थान में यह भी होता है कि अगर कोई स्त्री विधवा हो जाती है तो उस विधवा स्त्री को दूसरी जगह देने के लिये उस के संरक्षक जिम्मेदार नहीं होते हैं बल्कि इस के जिम्मेदार उस की पुरानी ससुराल वाले होते हैं।

Mr. Deputy-Speaker: There is too much talk in the House. The hon.

[Mr. Deputy-Speaker]

Member may wait a minute. He is making a very interesting speech, and let all the Members listen to it in silence.

Sardar Hukam Singh: He is pleading for the emancipation of males.

श्री जांगड़े : I shall speak a bit slowly.

जो विधवा स्त्री के ससुराल वाले होते हैं वें उस स्त्री की इच्छा के खिलाफ जबर्दस्ती उस को बांध कर दूसरे के यहां दे देते हैं। भला आप ही बताइये कि यह कितना अत्याचार है। यह दोनों एक्स्ट्रीम्स हैं। राजस्थान में पुरुषों की ओर से और हमारे छत्तीसगढ़ में औरतों की ओर से यह अन्तिम सीमायें हैं। इन दोनों सीमाओं का समन्वय करने के लिये यह हिन्दू विवाह और तलाक़ विधेयक आज इस सदन में लाया गया है। यह बहुत उत्तम है और इस को स्वीकार करना चाहिये।

इस के बाद सदन में दूसरी चीज मैं यह कहना चाहता हूं कि विवाह के प्रिंसिपल सिद्धान्त का पालन करना चाहिये। इस देश में पहले समय में समाज को ज्यादा महत्व दिया जाता था। इस लिये मनुस्मृति में या किसी भी पुरानी संस्था में समाज पर ज्यादा जोर दिया गया है। और उस समय में कहा जाता था कि विवाह एक धार्मिक संस्कार है, जिस का उद्देश्य सांसारिक सुख या कामतृप्ति करना नहीं है बल्कि सन्तानोत्पत्ति द्वारा समाज सेवा करना है। इसलिये उन दिनों में पत्नी की खोज लड़के के संरक्षक या उसके सगोत्र करते थे क्योंकि उस समय लोग यह मानते थे और आज भी हिन्दू समाज मानता है कि बिना सन्तान उत्पन्न किये हुए किसी व्यक्ति का पिता स्वर्ग नहीं जा सकता और यदि सन्तान नहीं हुई तो उस का पिता जो स्वर्ग में चला गया है उस को भी स्वर्ग से नर्क को वापस आना पड़ेगा। इस सिद्धान्त पर हिन्दू समाज आज भी विश्वास करता है, लोग मानें चाहे न मानें, क्योंकि आजकल व्यक्तिवाद का जमाना है। आजकल व्यक्तिगत स्वतंत्रता का सिद्धान्त भी चल रहा है। पहले जाति थी, उस के बाद जाति टूटी और समाज आया, समाज टूटा तो संयुक्त परिवार आया। उस के बाद संयुक्त परिवार जब टूटा तो व्यक्तिगत परिवार आया। अब व्यक्तिगत परिवार भी टूटना चाहता है और स्त्री तथा पुरुष अलग अलग होना चाहते हैं। इतनी व्यक्तिगत स्वतंत्रता तक हम पहुंच चुके हैं।

रूस में शार्ट टर्म मैरेज, यानी अल्प समयक विवाह की प्रथा है, इस प्रथा के अनुसार पति तो एक कारखाने में काम करता है और उस की स्त्री किसी दूसरे कारखाने में काम करती है। जब कभी दोनों एक जगह पर मिलें तो समय बांध दिया जाता है कि एक साल के लिये, छः महीने के लिये ही वह मिल कर रह सकेंगे, यानी शादी कर सकेंगे।

श्रीमती विजय लक्ष्मी (जिला लखनऊ—मध्य) : आप बहुत पुराने जमाने की बात कह रहे हैं। यह बात सदियों पहले खत्म हो चुकी है। आप कोई नई किताबें भी तो पढ़ा कीजिये।

श्री जांगड़े : जो कुछ भी हो, अगर रूस ने इस से छुटकारा पा लिया है तो बड़ी अच्छी बात है। दूसरी ओर यह कहा जाता है, मैं ने कल ही एक किताब पढ़ी। अमरीका के न्याय अध्यक्ष लिड्से और इंग्लैण्ड की मेरी करेली ;...;

श्रीमती विजय लक्ष्मी : अरे भाई, मेरी करेली को मरे हुए पचास वर्ष हो गये हैं। उस समय से संसार बहुत आगे बढ़ चुका है।

श्री अंगड़ : उस किताब में बताया गया है कि व्यक्तिगत स्वतंत्रता का कितना दुरुपयोग होता है । तो हमें अब यह देखना चाहिये कि यदि हम अतीत कालीन, पुराने काल के विवाह संस्कारों को लें, जिस के अनुसार कि वर वधू दोनों की इच्छा के खिलाफ, दोनों के विचारों तथा आदर्शों के खिलाफ हम उन को जबर्दस्ती विवाह में बांध देते हैं, तो वह भी बुरा सिद्धान्त है । दूसरी ओर यदि हम व्यक्तिगत स्वतंत्रता का दुरुपयोग करें, इस सिद्धान्त का अतिक्रमण करें तो यह भी बुरा है । इन दोनों चीजों को ले कर हिन्दुस्तान को यह देखना है कि वह यहां पर अमरीका या इंग्लैंड की तरह का डाईवोर्स न होने दें । एक ओर हमें यह देखना है तो दूसरी ओर हमें यह देखना है कि हिन्दू समाज में ९० प्रतिशत लोगों में तलाक़ का अत्यन्त ढीला प्रवाह है । अगर यह बढ़ता है तो इस को भी हम बन्द करें ताकि एक दूसरे की नैतिकता को हम पहचानें और उस को पहचान कर इस देश में समृद्धि लायें और यहां के हिन्दू समाज की उन्नति करें ।

मैं इस बिल का समर्थक हूं क्योंकि यह जो हिन्दू विवाह और तलाक़ विधेयक लाया गया है, यह ऊंची जातियों और नीची जातियों को एक जगह बिठलाता है और समता लाता है । पहले द्विज लोगों में तलाक़ की प्रथा नहीं थी । चाहे छुटपन में विवाह हो या किसी उम्र में हो, यदि किसी स्त्री का पति मर जाय तो वह विवाह नहीं कर सकती थी, भले ही वह कोई जुर्म करे, हालांकि उस जुर्म को समाज नहीं चाहता, लेकिन फिर भी स्त्री का विवाह दुबारा नहीं हो सकता । हिन्दू समाज में और बड़े बड़े क्षेत्रों में यह अत्याचार बढ़ते जाते हैं, हमें इस विवाह संस्कार को भूलना होगा और जो कारण मैं ने बताये हैं उन कारणों को ले कर उन्हें भी तलाक की इजाजत देनी पड़ेगी । साथ ही दूसरी ओर इंग्लैंड और अमरीका की तरह, बल्कि उन से भी ज्यादा तलाक जो हमारे देश में प्रवाहित हो रहे हैं, उस ढीली तलाक की प्रथा को जिस से अनैतिकता बढ़ रही है, उस को भी हमें रोकना होगा और पति तथा पत्नियों को अच्छे तथा दृढ़ सूत्र में बांधना होगा ।

आप यह भी देखते होंगे कि पंजाब में या उत्तर प्रदेश में रिवाज दूसरे हैं, और मध्य प्रदेश में दूसरे हैं, उड़ीसा में दूसरे हैं । हमें इन रिवाजों को एक जगह पर लाना होगा । यहां पर साउथ इंडिया में बिल्कुल ही दूसरे रिवाज हैं, लेकिन हमें उन का समन्वय करना होगा । यह तमाम खामियां हैं जिन पर सेलेक्ट कमेटी में विचार होना चाहिये । मैं इस के सम्बन्ध में कुछ सुझाव भी रखना चाहूंगा ।

उपाध्यक्ष महोदय, मैं दो चीजों पर विशेष तौर से जोर देना चाहता हूं । एक तो रजिस्ट्रेशन आफ मैरेज है, अर्थात् विवाह का पंजीबद्ध करना । इस के सम्बन्ध में मैं यह कहना चाहता हूं कि रजिस्ट्रेशन करने वाली, पंजीबद्ध करने वाली संस्था कौन सी होगी, इस को सेलेक्ट कमेटी को या सदन को या माननीय मंत्री महोदय को ही, जोकि इस बिल का संचालन कर रहे ह, बताना चाहिये क्योंकि यदि हम ज़िला केन्द्रों में रजिस्ट्रेशन के स्थान बनायेंगे तो यह लोगों के लिये अत्यन्त असुविधाजनक होगा । मैं समझता हूं कि विलेज थानों को भी रजिस्ट्री करने का अधिकार देना चाहिये । यह नहीं होना चाहिये कि हर एक आदमी ज़िला केन्द्र में ही जा कर रजिस्ट्री कराये । बल्कि जिस तरह से बच्चा पैदा होने पर उस का रजिस्ट्रेशन विलेज थाने में होता है उसी प्रकार से विवाह का रजिस्ट्रेशन भी सुगम तरीके से थानों में हो सकता है ।

[श्री जांगड़े]

एक तरफ अगर विवाह विच्छेद या जुडिशल सेपरेशन या विवाह को नल ऐंड वायेड करना होगा और दूसरी तरफ यदि डिक्री आफ डाइवोर्स लेना होगा तो इन दोनों का अधिकार जिला अदालत को दिया गया है। लेकिन यह न्यायालय जिला केन्द्र में रहेगा या कि वह जिले की तहसीलों में भी आयेगा, इस को भी हमें स्पष्ट करना चाहिये। क्योंकि भले ही आप लोगों को मालूम न हो, पर देहात के रहने वाले भाइयों को बहुत तकलीफ होती है। क्यों न इस का अधिकार पंचों को दिया जाये ? हम तो कानून में इस बात को रख रहे हैं कि अमुक अमुक कारणों से ही पत्नी पति से विवाह विच्छेद कर सकती है और पति पत्नी से विवाह विच्छेद कर सकता है या मैरिज को वाइड कर सकता है। यह तो हम यहां पर बता रहे हैं। तो ऐसी अवस्था में इन पंचायतों को निर्णय करने में कोई दिक्कत नहीं होगी। उन के फैसलों को पटवारी के जरिये दस दिन में थाने में पहुंचाया जाय और एक या दो महीने के भीतर जिस को अपील करना हो वह अपील कर ले। ऐसा करने से अदालत जाने की प्रवृत्ति कम होगी।

दूसरी चीज मैं सगोत्र विवाह के सम्बन्ध में कहना चाहता हूं। यहां पर कहा गया है कि माता पिता की इतनी पीढ़ियों के बाद शादी हो सकती है। इस सम्बन्ध में मैं आप को सिद्धान्त रूप से कुछ कहना चाहता हूं। जब कोई कानून चला आता है कि हम को अमुक अमुक से शादी नहीं करनी है तो हमारी एक आदत बन जाती है कि हम उस को मां, या बहिन या चाची या फूफी की दृष्टि से देखने लगते हैं और उन के साथ विवाह का विचार भी नहीं करते। यहां जो आप सगोत्र विवाह की इजाजत दे रहे हैं यह गलत है। आप अन्तर्जातीय और अन्तर्धार्मिक विवाहों की तो इजाजत दे ही रहे हैं। तो इस प्रकार आप एक और विवाह के क्षेत्र को विस्तृत करना चाहते हैं और दूसरी ओर सगोत्र विवाह की इजाजत दे कर उस को संकुचित कर रहे हैं। आजकल जो गवेषणा चल रही है उस के आधार पर क्रास ब्रीडिंग को महत्व दिया जाता है। हिन्दू समाज में भी इसी ख्याल से सगोत्र विवाह की इजाजत नहीं दी गई थी। आज हम इस सिद्धान्त को तोड़ रहे हैं। पिता के गोत्र में विवाह नहीं होना चाहिये चाहे कितनी हीं पीढ़ियों का अन्तर क्यों न हो। जैसे मेरा गोत्र जांगड़े है तो चाहे कितनी ही पीढ़ी का अन्तर हो, मेरी इस गोत्र में तो शादी हो ही नहीं सकती। तो आप को सगोत्र विवाह को जरूर रोकना चाहिये। इस से यह प्रवृत्ति होगी कि हम को आदर करने की प्रवृत्ति घट जायगी और व्यभिचार बढ़ेगा। इस के अतिरिक्त सन्तान भी कमजोर पैदा होगी क्योंकि लोग यह सोचने लगेंगे कि जब पास ही विवाह हो सकता है तो हम दूर क्यों जायें और वह अपने गोत्र में ही शादियां करने लगेंगे। इसलिये इस आदत को रोकने के लिये, संस्कार को ताजा बनाये रखने के लिये और सन्तान को भी कमजोर न होने देने के लिये यह जरूरी है कि सगोत्र विवाह न होने दिया जाय। खास कर पिता के गोत्र में चाहे कितनी भी पीढ़ियों का अन्तर हो विवाह नहीं होना चाहिये। इस सम्बन्ध में मुझे इतना ही कहना है।

अन्त में सदन से यह विनती करना चाहता हूं कि यह ठीक है कि हम को विवाह के पुराने सिद्धान्तों में परिवर्तन करना चाहिये, परन्तु साथ ही हम को दूसरी ओर यह भी ख्याल रखना चाहिये कि जैसी हमारी आदत पड़ गई है, हम विदेशों की नकल न करने लग जायें। इसलिये मैं यह कहना चाहता हूं कि हम इंग्लैंड और अमरीका की नकल न करें

बल्कि अपनी भारतीय संस्कृति को देखते हुए अपना विवाह और तलाक का विधेयक बनावें । बस मैं इतना ही कहना चाहता हूं ।

10 A.M.

श्री तेलकीकर (नान्देड़) : म आपका बहुत शुक्रगुजार हूं कि बहुत दिनों के बाद आप ने मुझे बोलने का मौका दिया । जब हम इस बिल पर सोचते हैं तो पहला सवाल हमारे सामने यह आता है कि इस बिल की मुखालिफत किस तरह हो सकती है । मैं समझता हूं कि हमारे लिये यह बेहतर होगा कि हम देखें कि इस बिल की मुखालिफत क्यों हो रही है । बाज लोग यह सोचते हैं कि यह बिल हमारे धर्म शास्त्र के खिलाफ जाता है और बुनियादी तौर पर उस को हटाना चाहता है । मैं एक चीज आप के सामने रखना चाहता हूं । सवाल यह है कि हमें यह देखना है कि आया हमारे धर्म शास्त्र में ये बुरी प्रथायें इब्तिदा से हैं । ब्रिटिश गवर्नमेंट के इब्तिदाई जमाने में जिन लोगों ने आकर यहां की हालत देखी, उन को तो यह मालूम हुआ होगा कि यहां की औरतों का हाल बहुत बुरा है । यह वह जमाना था जबकि औरतें जलाई जाती थीं । उस जमाने में बेवाओं के बाल मुंडवा दिये जाते थे, उन को बद-सूरत बना दिया जाता था । कमसिन बच्चियों की शादियां कर दी जाती थीं । इसलिए उस जमाने के हाल को जिन्हों ने देखा था वह यही समझे कि हिन्दू शास्त्र में यही बातें हैं । लेकिन यह गलत है । मैं समझता हूं कि अगर आप देखें तो आप को मालूम होगा कि कोई ऐसा रिवाज नहीं है जो इब्तिदाई जमाने से वैसा ही आज तक चला आ रहा है । तो यह ख्याल, कि हम इस में तबदीली नहीं कर सकते, बिल्कुल गलत है । हमारे यहां एक ऋषि ने इस रिवाज—शादी—की बुनियाद डाली । उस से पहले शादी नहीं होती थी बल्कि हर शख्स आजादी से जिस के साथ चाहे ताल्लुकात पैदा कर सकता था । लेकिन बाद में यह मालूम हुआ कि यह तरीका सही नहीं है और यह अमन कायम रखने के लिये अच्छा नहीं है, तो फिर शादी के रिवाज की बुनियाद डाली गई । तो यह देखना होगा कि यह चीज ऐसी नहीं है कि आसमान से गिरी हो या इस में कोई तग़ैयुर न हुआ हो । हम देखते हैं कि पहले खास हालात में डाइवोर्स की भी इजाजत दी गई थी । नारद और पराशर की यह राय थी । लेकिन बाद में यह कयूद आयद किये गये । हम देखते हैं कि बाद में ऐसे हालात पैदा हो गये कि तबदीलियां जरूरी हो गईं । अगर तफसील के तौर पर कहा जाय तो बाद में हिन्दू धर्म पर बहुत से असरात हुए । बुद्ध काल के शुरू में जब औरतों का दरजा मरद के बराबर कायम किया गया था, उस से जो बुराइयां नमूदार हुईं, उन की तस्वीर जातक ग्रन्थों में नजर आती है । जब हम ने तालीम निसवां शुरू की तो उसमें कुछ बुराइयां थीं । उन को बाद में हम ने दूर कर दिया । तो जब कोई चीज नई होती है तो उस में कुछ बुराइयां होती हैं, पर बाद में वह दूर हो जाती हैं । जब उसूल हम मानते हैं और अमल में कुछ खराबियां आती हैं तो हम उन को हटा सकते हैं ।

उस के बाद हिन्दुस्तान पर मुसलमानों का तसल्लुत हुआ और हम देखते हैं कि ऐसे रिवाजों का मुकाबला करना पड़ा जोकि हमारे रिवाजों से मुख्तलिफ थे । उस वक्त लोगों को बड़ी तशवीश हुई कि अपनी औरतों को गैर मर्दों से बचायें और इस तशवीश में उन्हों ने यह बेहतर समझा कि औरतों की कमसिनी में शादियां कर दी जायें । इस तरह यह रिवाज बना । इसी तरह बेवाओं की दूसरों से बेहुरमती को बचाने के लिये, उन को सती हो जाने के लिये मजबूर किया

[श्री तेलकीकर]

जाने लगा । लेकिन यह सती का रिवाज वेदों में नहीं है । यह एक अजीब चीज है । आप देखेंगे कि हमारे शास्त्रियों ने जो कानून बनाया, उस की मुशाहबत किसी वेद की ऋचा से जरूर दी है । चुनांचे सती के लिये भी वेद की एक ऋचा का सहारा लिया गया, वह ऋग्वेद की १८ नम्बर की ऋचा है । वह मौत और मौत के बाद बेवा का हाल बयान करने वाली एक ऋचा है । लेकिन उस की तारीफ यह की गई कि इस के मुताबिक सती होनी चाहिये । लेकिन वाकई सती को सपोर्ट करने वाली कोई ऋचा वेदों में नहीं है । तो जो अब तक तबदीलियां की गईं, उन के लिये मैं किसी को दोष नहीं देना चाहता । बल्कि मेरा कहना यही है कि जैसे हालात पैदा होते जाते हैं उन का मुकाबला करने के लिये कानून में तबदीली होती जाती है । इस तरह से पुराने जमाने में भी हमारे शास्त्रकारों ने तबदीलियां की हैं ....

श्री आर० डी० मिश्र (ज़िला बुलन्दशहर): On a point of information, Sir. मैं आप से पूछना चाहता हूं कि आप ने वेद पढ़े हैं और आप ने ये बातें उस में देखी हैं जो आप वेद का नाम ले कर कोट कर रहे हैं ?

श्री तलकीकर : आजकल मुखतलिफ़ कमेटियों की रिपोर्ट्स पढ़ी जाती हैं और मुखतलिफ़ चीजें, जिन से आप का कोई ताल्लुक़ नहीं, उन को सुनते हैं। आजकल साइंस आदि के सारे मामले डिस्कस किये जाते हैं और उन का हवाला दिया जाता है, इसलिये मैं नहीं समझता कि वेदों का हवाला देने में क्या एतराज हो सकता है ..... (*Interruption*) I am not giving way.

Mr. Deputy-Speaker: Now the Constitution provides, without any qualification, that any citizen of India above the age of 21 can come into this Parliament. The hon. Member opposite to me just now put a question as to whether the hon. Member has got the educational qualifications.

Shri R. D. Misra: I meant knowledge of the *Vedas*.

Mr. Deputy-Speaker: Is that a disqualification? Any hon. Member may ask for the source of an information given by any other hon. Member. It is not right to ask whether he is proficient in the *Vedas*. An hon. Member who is not a lawyer may talk about law; similarly an hon. Member who does not know Chemistry may talk about Chemistry. Every hon. Member is supposed to be a *Saraswati-vigraha*.

श्री तेलकीकर : आजकल बड़ा आसान है कि हम मुखतलिफ़ चीजों को दूसरी ज़बानों में पढ़ सकते हैं । आजकल अंग्रेजी की किताबों में से हवाला दिया जाता है, तो आप उस के लिये हम से पूछेंगे कि आप जो यह इंग्लैंड के बारे में फ़रमा रहे हैं तो क्या आप इंग्लैंड गये हैं । आज साइंस और भूगोल का लोग हवाला देते हैं तो क्या आप उन को हवाला देने से रोकना चाहते हैं और जो गुज़िश्ता जमाने का लोग हवाला देते हैं तो वह कोई गुज़िश्ता जमाने में रहे थोड़े ही हैं । तो मैं आप को बतला रहा था कि पुराने जमाने में भी हमारे पूर्वज जमाने के मुताबिक़ रीति रिवाजों में तबदीलियां किया करते थे और हम अगर आज कुछ सामाजिक सुधार करने चले हैं तो वह कोई नई और अनुचित बात नहीं होगी, क्योंकि आखिर हम वही तरीक़ा अख्तियार करेंगे, जो हमारे पूर्वज अख्तियार किया करते थे और वह जो चीज ग़लत होती थी और जिसे वह बदलना चाहते थे उस को बदलने और हटाने में हिचकिचाते नहीं थे, लेकिन मुझे ताज्जुब होता है कि धर्म के नाम पर

और संस्कृति के नाम पर हम अच्छी और माक़ूल चीजें करने से हिचकिचायें और उन को अपने वहां स्थान न दें और मैं समझता हूं कि अगर हम ऐसा करने में हिचकिचाते हैं तो हम अपने बुजुर्गों से आगे नहीं बढ़ रहे हैं बल्कि हम पीछे जा रहे हैं और मैं कहूंगा कि यह प्रगति का मार्ग नहीं है बल्कि यह अवनति है, जिसकी ओर हम बढ़ रहे हैं। इसलिये समय की गति को पहचानते हुए आवश्यकतानुसार हमें अपने समाज में तबदीली करते रहना चाहिये। अब यह जो बुनियादी सवाल उठाया जाता है कि यह क़ानून धर्म के खिलाफ़ है या नहीं, तो मैं कहूंगा कि यह हमारी आज की बहस नहीं होनी चाहिये। मुझे तो ताज्जुब मालूम होता है कि जब हम स्त्री जाति के सुधार के लिये कुछ क़ानूनी तरमीम करना चाहते हैं तो कहा जाता है कि हमें ऐसा करने का अखित्यार नहीं है, लेकिन क्या यह वाक़या नहीं है कि अंग्रेजों के ज़माने में हम ने मुख्तलिफ़ किस्म के क़वानीन बनाये हैं। हम ने Removal of Caste Disabilities Act, Inheritance Act, Succession Act और Widows Remarriage Act बनाये हैं। बहुत से लोग इस को पसन्दीदा निगाह से देखते हैं कि समय के तकाजे को देखते हुए अगर धर्म शास्त्रों को हटा कर कोई नये सामाजिक क़ानून समाज में सुधार करने के लिये पास किये जाते हैं, लेकिन साथ ही कुछ ऐसे भी लोग हैं जो यह नहीं चाहते कि हिन्दुओं के धर्म शास्त्रों में कुछ तबदीली की जाय और मैं कहना चाहता हूं कि अगर उन का ऐसा खयाल हो तो वह सही खयाल नहीं है, बल्कि ग़लत खयाल है। मैं समझता हूं कि हम ज़रूरत पर धर्म शास्त्र में तरमीम कर सकते हैं और यदि हम आज ऐसा करते हैं, तो इस में कोई अनुचित बात नहीं है। हमारे बुजुर्गों ने भी पिछले ज़माने में तबदीलियां कीं, तो कोई वजह नहीं कि हम क्यों न करें अथवा करते हुए हिचकिचायें और अगर हम ऐसा न करें, तो इस का मतलब होगा कि हम पीछे जा रहे हैं।

इस सती प्रथा को ही ले लीजिये। इतिहास में आया है कि सती प्रथा हमारी नहीं है बल्कि सीथियन लोग जब भारत में आये तो वह यह सती की प्रथा अपने साथ यहां लाये और बाद में यहां के लोगों ने सती प्रथा को अपनाया। हमारे मुल्क की जो राजपूत और क्षत्री कौम थी, उस ने पहले यह प्रथा अपनाई, बाद में यह प्रथा धीरे धीरे और लोगों में फैलती गई। सती प्रथा को हमारे यहां की औरतों ने ग़ैर मर्दों से बचने के लिये अख्तियार किया और उन को यह तो नहीं समझाया जाता था कि स्वर्ग में तुम को चार पति मिलेंगे, लेकिन उन को यह सिखाया जाता था कि सती हो जाने के बाद तुम को बड़ा सुख मिलेगा। इस तरह की एक ग़लत लाजिक उन को बतलाई जाती थी और उन पर समाज द्वारा इस तरह के मज़ालिम किये जाते थे। अभी मेरे दोस्त श्री जांगड़े ने भाषण दिया और उस में बतलाया कि उन के वहां मामला उलटा है और स्त्रियों द्वारा पुरुष समाज पर अत्याचार होता है। हो सकता है कि यह किसी एक खास जगह और किसी खास क़ौम में ऐसा होता हो, लेकिन हमें तो सारे देश का जायज़ा लेना है और सारे देश में स्थिति क्या है उस को देखना है। आज देश में आम हालत यह है कि औरतों की हालत दिन-ब-दिन खराब होती गई है, हालांकि पहले ज़माने में औरतें इतनी गिरी हुई अवस्था में नहीं थीं। वह पुरुषों के बराबर हर काम में हिस्सा लेती थीं और पहले वह बड़े बड़े मसलें हल करने में सहयोग देती थीं। पूर्व काल में हमारी औरतें फ़िलासफ़र्स और मैथमैटीशियंस हो चुकी हैं और वह पुरुषों के बराबर बैठ कर सामाजिक कार्यों

[श्री तेलकीकर]

में हाथ बंटाती थीं और हिस्सा लेती थीं। लेकिन बाद में एक ज़माना आया जबकि उन की गिरावट शुरू हुई और वह गिरावट का काल तब से शुरू हुआ, जब से औरतों को उपनयन संस्कार में हिस्सा लेने के हक़ से इन्कार किया गया, औरतों का उपनयन संस्कार नहीं किया जाने लगा और यह निषेध पहली चीज़ है जो औरतों को गिराने वाली सिद्ध हुई। उस के बाद आगे चल कर उन के हक़ और अधिकार कम किये गये और विरासत में उन का हिस्सा कम किया गया और इस तरह बढ़ते बढ़ते ऐसे क़ानून बनाये गये जिस से औरत हमेशा मर्द के ही क़ाबू में रहे और मर्द के अलावा औरत को सहारा न मिल सके। तो आप देखिये कि ये जो औरतों के हक़ कम किये गये हैं और जो उन को गिरावट की हालत में डाला गया है यह बाद में चल कर पुरुष समाज ने स्वार्थवश ऐसा किया है और अगर हम आज अपनी बहिनों और माताओं को उन के खोये हुए अधिकार आज़ादी और ऊंचा दर्जा समाज में दिलाने के लिये ऐसे क़ानूनों की व्यवस्था करने जा रह हैं तो यह कोई हम नई और अजूबा चीज़ नहीं करने जा रहे हैं, बल्कि पुरानी चीज़ों को हम फिर से रायज करने की कोशिश कर रहे हैं।

इस बिल की तरफ आते हुए मैं यह अर्ज़ करूंगा कि इस बिल में बहुत सी अच्छी बातें हैं। एक तो यह जो हमारे देश में कास्ट सिस्टम की प्रथा है, यह ऐसी बुराई है जिस ने हमारे हिन्दू समाज को खोखला कर के रख दिया है और मैं समझता हूं कि यह जात पांत का भेदभाव सब से बड़ी बुराई है, जो हम में विद्यमान है। देश में लाखों क़ौमें बसती हैं और अकेले ब्राह्मणों में हज़ारों किस्म के ब्राह्मण हैं और इन की वजह से हमारा एक संघटित कौम के तौर पर रहना दुश्वार हो गया है। और यह मौजूदा बिल इस बुराई को हमारी समाज में से धीरे धीरे दूर करने में समर्थ होगा, ऐसा मेरा विश्वास है और इस-लिये मैं इस बिल का स्वागत करता हूं। प्राचीन काल में एक ब्राह्मण को किसी शूद्र की औरत के साथ शादी करने की मनाही नहीं थी और धर्मशास्त्र में १३ किस्म के लड़कों का ज़िक्र आया है जिन को जायज़ माना गया है। मैं उन की पूरी लिस्ट तो आप के सामने इस वक्त नहीं पढ़ना चाहता लेकिन उस में एक हामिला दुलहन का बच्चा भी जायज़ क़रार दिया है। सोसाइटी में इन चीज़ों का होना मुमकिन है और इसीलिये हमारे बुजुर्गों ने, हत्तुलइमकान उन चीज़ों को क़ानून के दायरे में लाने की कोशिश की, और यह चीज़ें हमारे धर्म शास्त्रों में मौजूद थीं, जो अब खत्म हो गई हैं।

दूसरे यह जो डाइवोर्स की इस में दफ़ा है, उस के लिये मैं आप को बतलाऊं कि अगर हिसाब लगाया जाय तो आप देखेंगे कि पिछड़ी जातियों में जोकि करीब नब्बे फ़ीसदी के हैं उन में यह तलाक़ की प्रथा पहले से ही रायज है। दस फ़ीसदी ऊंची जाति के हिन्दू होंगे, जिनमें कि इस क़ानून से अब तलाक़ उनके वहां भी रायज हो जायगा। जब ऐसी हालत है तो मैं नहीं समझता कि तलाक़ को रखने में क्या बुराई है ?

अब मैं तीसरी चीज़ पर आता हूं और वह यह है कि एक इंसानियत पैदा करना हमारा पहला फ़र्ज़ है और मैं समझता हूं कि अगर हमारा धर्म शास्त्र सब जगह के लिये यूनीफ़ार्म होता और एक ला से लोग गवर्न होते तो हमें इतनी अजीब व ग़रीब चीज़ें देखने को नहीं मिलतीं। एक तरफ़ तो हम देखते हैं कि औरतों पर पुरुषों द्वारा अत्याचार होते हैं, और दूसरी तरफ़ हम जो

मलाबार की तरफ़ जाते हैं, जहां कि मरुमक्तैयम और मात्र-सावर्ण्य पद्धति मौजूद है, वहां क्या हो रहा है, मुझे नहीं मालूम लेकिन मेरे दोस्त जो मलाबार में रहते हैं, उन के कहने के मुताबिक़ वहां पर मर्दों पर जुल्म होता है । इतना तो सही है कि वहां डामिनेशन औरतों का है । कहीं औरतों का ह और कहीं मर्दों का है । यह बुनियादी चीज नहीं हो सकती । हमें तो इस उसूल को मानना चाहिये कि हम अपने मज़हब के तरीक़ों को ज़रूरत के मुताबिक़ तब्दील करते चले जायें । जो मज़हब तब्दील होता रहता है, वही तरक्की कर सकता है । जिस में तब्दीली नहीं है, स्वामी विवेकानन्द ने कहा है

"Change or death is the law of nature."

जिस में कोई तब्दीली नहीं होती वह प्रथा चल नहीं सकती । कल किसी ने अपनी तकरीर में कहा था, शायद खर्डेकर साहब ने कहा था कि द्रोपदी की तरफ़ देखा जाय, उस की पूजा होती है । दूसरी तरफ़ भी देखिये, हो सकता है कि किसी लड़ाई के अन्दर हमारे हजारों मर्द मारे जायें और औरतों की तादाद बढ़ जाये । आज हम यह कानून बना रहे हैं, हो सकता है कि हम को यह कानून बाद में बनाना पड़े कि हर मर्द को लातादाद औरतें करनी चाहियें । लेकिन बजाय इस के अगर औरतों की तादाद घट जाय, जैसे कि तिब्बत में है, तो हमें कहना चाहिये कि एक औरत के कई मर्द हो सकते हैं । मोरेलिटी का जो हमारा बेसिक कन्सेप्शन है, वह ऐसा है जोकि हालात के लिहाज से बदलता जाता है । मोरेलिटी का मतलब यह है, समाज में पीस को कायम रखने के लिये जो चीज हम को करनी हो, उस को हम मोरेलिटी समझते हैं । मोरेलिटी कोई खास तरीके की चीज नहीं है । इस चीज का नतीजा यह होता है कि हमारा समाज आगे बढ़ता जाता है और जिन्दा रहता है । मोरेलिटी का हमारा यही कन्सेप्शन है । इसलिये हम देखते हैं कि इस बिल की अक्सर चीजें हमें आगे बढ़ाने वाली हैं । हम देखते हैं कि हमारे मुल्क की औरतें पोलिटिकल फील्ड में बहुत आगे बढ़ रही हैं । दूसरे मुल्कों के लोग हैरत में हैं कि हिन्दुस्तान की औरतें इतनी आगे बढ़ रही हैं, कोई ऐम्बैसेडर है, कोई कैबिनेट मिनिस्टर है, कोई गवर्नर है । यह दर्जा हासिल कर लिया है, लेकिन दूसरी तरफ हम देखते हैं कि हमारा समाज आगे नहीं बढ़ रहा है । इस कमी को हमें दूर करना चाहिये । जब तक हम इस तरह से देश में तगैयुर नहीं पैदा करेंगे, उस वक्त तक हम कुछ नहीं कर सकते ।

डाइवोर्स के बारे में एक ऐतराज उठाया गया और वह यह था कि डाइवोर्स का नतीजा यह होगा, कि हिन्दुस्तान के लोगों के लिये यह बहाना होगा, एक के बाद दूसरी औरत करने का । और इस तरह से यह बहाना भी उठाया जा सकता है कि मज़हब तब्दील कर लिया । मज़हब तब्दील करना भी एक ग्राउन्ड डाइवोर्स की हो सकती है । लेकिन मैं समझता हूं कि इस सेक्शन में इस की गुंजाइश नहीं है । इस में तो सिर्फ यह रक्खा गया है कि जो आदमी हिन्दू मज़हब को मान कर रहता है, उस को तलाक़ या सेपरेशन का हक़ होगा । लेकिन जो खुद अपने मज़हब को तब्दील कर लेता है उस के लिये इस में कोई चीज नहीं है । मज़हब को ढीला बना कर कई औरतें करने की तरफ यह बिल नहीं लाता है, यह बुराई इस में बिल्कुल नहीं पाई जाती, बल्कि इस से तो जो जुल्म हमारे यहां होते हैं उन से हम बाहर निकल सकेंगे । हो सकता है कि शुरू शुरू में हमें इस में

[श्री तेलकीकर]

बुरे असरात नजर आयें कि एक औरत अगर किसी आदमी को छोड़ देगी तो दूसरा करेगी, और दूसरा मर्द करने पर अगर तकलीफ होगी तो तीसरे मर्द को कर लेगी । लेकिन किसी आदमी को छोड़ने के पहले वह चाहेगी कि जितने भी तरीके हो सकते हों, उन को वह काम में लाये । और अगर आखिर में कोई ऐसी नागुजीर चीज आ ही जाय तो तलाक़ ले ले । इस का मतलब यह होगा कि उस का मकसद किसी तरह से तकलीफ से नजात पाना है ।

सगोत्र विवाह का जो तरीका आयेद किया गया है उस के लिये यह करना बेजा न होगा कि सगोत्र . . . .

श्री सी० डी० पांडे : सगोत्र नहीं है ।

पंडित ठाकुर दास भार्गव (गुड़गांव) : यह ऐक्ट सन् १९४६ में पास हो चुका ।

Shri Biswas: There is already a law enacted to deal with that.

श्री तेलकीकर : पहले तो सगोत्र विवाह का कायदा नहीं था । मिताक्षर ला में जहां भी मनु का हवाला दिया गया है वहां लिखा है कि सगोत्र विवाह नहीं होगा । लेकिन उस को बदला गया । तो इस तरह से यह एक बड़ा तवील सिलसिला था जिस को कि कायम नहीं रक्खा गया क्योंकि इस तरह से आसानी होगी ।

जहां तक पोलीगैमी और मोनोगैमी की बात है उस के बारे में कुछ बहुत ज्यादा नहीं कहना चाहता । इस में शक नहीं है कि यह अच्छी चीज है, लेकिन उस के लिये भी उज्र किया गया है कि अगर किसी मर्द के औलाद न हो, तो क्या किया जाये । इस तरह की चीज हमारे धर्म शास्त्र में भी है कि हर एक मर्द को एक ही औरत करनी चाहिये, लेकिन दूसरी औरत करने की इजाज़त इस सूरत में दी जायगी जबकि उस के औलाद न हो । लेकिन बाज़ ऋषियों ने इस को भी आगे बढ़ा कर यह कहा कि यही नहीं कि औलाद न हो, बल्कि औलाद होने पर भी अगर लड़की हो और लड़का न हो, तो दूसरी शादी की जा सकती है । लिहाज़ा यह पसन्दीदा चीज है जिसे कि हमारे धर्म शास्त्रों ने भी पसन्द किया है । इस में हम कोई नई चीज पैदा नहीं कर रहे हैं कि पत्नी होने पर दूसरी शादी नहीं हो सकती है । हां, इतनी मुश्किल जरूर नई पैदा हो जाती है कि औलाद न हो या होने पर भी अगर लड़का न हो, तो क्या किया जाय । बाज़ लोगों का ख़याल है कि यह चीज रक्खी जाती कि औरत की मर्ज़ी से शादी की जाय, जैसे कि हम प्लेबिसाइट लेते हैं । लेकिन जैसे यह चीज मुल्क के हालात पर निर्भर है यानी कि जो जनता प्लेबिसाइट में हिस्सा ले रही है, वह सिर्फ़ नाम में आज़ाद है या कि वाकई उस को राय देने की आज़ादी है । इसी तरह से यह हो सकता है कि हम यह तरमीम कर दें कि औरत की मर्जी से दूसरी शादी हो सके, लेकिन अभी यह हालत पैदा नहीं हुई है कि औरत अपनी आज़ाद राय दे सके । ऐसी हालत में जो कुछ इस बिल में किया जा रहा है वह हिन्दुस्तान की हालत को देखते हुए काफ़ी है ।

मैं इस बिल की पुरज़ोर ताईद करता हूं ।

Shri Raghuramaiah (Tenali): Two extreme views have been expressed in respect of this Bill, one that it is very revolutionary, striking at the very foundations of Hindu society, and another that the Bill does not go a long way. Well, Sir, the Bill chooses a middle path. It treats the subject in a moderate way. I say in a moderate way, because there is the feeling that the provisions relating to

divorce will not be really effective unless there is the division of property and an equal right to property is also given to women. There is a good deal of substance in that. After all, as the Hindu society does now exist, women are more or less dependent, in a great many cases, for their livelihood on men. So a woman who has no other independent source of living would naturally be very chary about taking recourse to these divorce provisions. And not only this. There are also two interesting angles from which this Bill is attacked. I was talking the other day to a group of old ladies and explaining to them the provisions of this Bill.

Shri Biswas: Ladies are never old!

Shri Raghuramaiah: They said they would take some time to consider over it. And the next morning I was surprised to find there was a telephone call: "yes, we have gone through the Bill very carefully, we accept monogamy, but we are not prepared for divorce". I do not know whether they were afraid that the Hindu society is so fragile and our foundations are so very weak that the moment the Bill is passed their husbands would immediately go to a divorce court! On the contrary I met men, a group of them, who said, "we accept divorce, but not monogamy". I suppose they are interested in having some more experiments in life! Well, they must be very hard nuts. As somebody said, a second or subsequent marriage is really a triumph of hope over experience. After all there is a feeling in this country, I think a very deep and profound feeling that as Shakespere said, "hanging and wiving go by destiny". Even if we pass any number of pieces of legislation like this, people are not going to rush into the market for marriages. We believe in destiny. We believe in permanent companionship and permanent relationship and nobody is going to disturb it. Therefore, I cannot understand why some people are chary even about the clause in the other Bill passed by the Council of States that divorce should be made a matter of mutual consent also. In other words, if both husband and wife agree to divorce, then without any concoction or search for an artificial co-respondent, why should there not be the divorce? In western countries, you will be amazed at the amount of concocted evidence. It is a hunt for a co-respondent. Though inconsistency in temperament may be the dominant motive in obtaining divorce, the irksomeness of the law is such, the requirements of it are so severe, that they go about hunting for a co-respondent. I think it is a very abominable state of affairs. If two people by experience find that they cannot put up with each other and if their life is so miserable, I do not understand why we should drive them to contract a venereal disease; why we should drive them to make a plea of impotency and why we should make them resort to all kinds of perjury and objectionable things. I think there is no harm in this country because our foundations are so secure that the marriage is considered such a sanctified institution. There is therefore absolutely no harm in providing that where the husband and wife agree that it is impossible for them to live together they should obtain divorce. After all, marriage in this country is not as it is in some of the other countries, a three-week affair. It is stated that in some of the foreign countries, in the first week the husband talks and the wife listens; in the second week the wife talks and the husband listens; and in the third week both of them talk and the court listens. Our marriages are not so short-lived and we have no fear that people will break their sacred matrimonial alliances as soon as this Bill is passed.

As regards the judicial separation, it is very surprising why a provision for alimony is not made. The provision for alimony finds a place in respect of a divorce and also permanent termination of marriage. Termination of a marriage is something different from judicial separation and I would

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very much like the hon. Law Minister to tell us why this provision is not made. In the Indian Divorce Act there is a provision which enables alimony being granted to a wife even in the case of a judicial separation. Where the judicial separation is obtained at the initiation of the wife—I mean for instance where the wife pleads that the husband is cruel or that she is unable to carry on with him and the court is satisfied that there must be judicial separation and the court awards it—it is but right that the wife should have some means of sustaining herself during the course of judicial separation. It is a very important matter and an unfortunate omission in this Bill. As I said before, I would like the hon. Law Minister to kindly clarify the point.

Then, talking about judicial separation, I am not one of those who is very happy about the clause which enables judicial separation on the contacting of a venereal disease. Venereal diseases are of various kinds and our previous law-makers were a bit careful in saying that venereal diseases in order to enable judicial separation must be of a kind which can contaminate. Now, the present Bill simply says that venereal disease will be one of the grounds for judicial separation. I am sure, my friend Dr. Jaisoorya will enlighten us that modern medicine has improved so much that venereal disease is no longer a threat—I do not of course recommend it—as it used to be. It can be cured, I am told, even by one injection. In any case I would earnestly bring it to your notice that it would be a great calamity if husband and wife suffering from a venereal disease are to be judicially separated and thrown astray into the vast world. They will contaminate the whole society. It is much better that the husband and wife confine it to themselves and save the rest of the world. They should go to a doctor—our friend here—any efficient doctor and get treatment. I would, therefore, urge that venereal disease should not be a ground for judicial separation. Of course, there is a proviso under clause 14 which reads as follows:

> "Provided further that no party shall be entitled to take advantage of his or her own wrong or disability for the purpose of relief."

That is all right. But, that applies only to a declaration that a marriage is invalid or that it is dissolved by a decree of divorce. Now, I seriously put it supposing a husband or wife contacts a venereal disease and contaminates the other and the person who initially gets the disease gets cured by taking the services of an efficient doctor and wants to get rid of the partner by bringing a petition for judicial separation, are we going to allow him or her to take advantage of his or her own mistake? There is no provision under clause 10 which deals with judicial separation, on the lines of the proviso under clause 14. Clause 14, as I said, deals with a declaration that a marriage is invalid or that it is dissolved by a decree of divorce. A person who has committed the wrong should not be allowed to take advantage of the provision under clause 10. I therefore suggest that the Select Committee should seriously consider the application of the proviso under clause 14 to clause 10 also.

Then, there is a provision under clause 5 which says that neither party should be an idiot or a lunatic at the time of the marriage. There are some people who say that a man must be an idiot to have got married or he must have been insane when he got married. Supposing a judge with such fanciful ideas happens to try a case, the moment the husband or wife gives a petition to nullify the marriage, he will say that he or she must have been an idiot or insane to have got married and he will give the decision in favour of the petitioner. There must, therefore, be some standard set down in this matter.

Shri Venkataraman (Tanjore): There are judicial decisions on that matter.

Shri Raghuramaiah: I quite agree, but when we, the supreme Parliament are going to lay down a law, I do not know why we should leave it to the fancies of a judge. We can put it down in the Act itself. We have a right to say that and I think we should not leave this function to any other judicial functionary, however great he may be. We can clearly say in the Act what quantum of insaneness is required for declaring a marriage null and void; otherwise there will be great danger and many marriages will be cancelled. It is but proper to give an assurance to the people at large as to what we mean exactly by this provision in the clause. I think the degree of insaneness or idiocy which is required for an application for cancelling a marriage should be clearly specified in the Act itself.

Then I want to say something about marriages among relations. In this connection various prohibited categories have been specified in the Bill. The children of two brothers or two sisters have been mentioned—I do not know, I would like the hon. Law Minister to correct me if I am wrong. That means the daughter of one brother cannot marry the son of another brother or the son of a sister cannot marry the daughter of another sister. But, where is the prohibition in respect of a child of one brother and the child of his sister, that is, the son of a brother marrying the daughter of his sister and *vice versa*? I feel that it is an omission which should be rectified.

Shri C. D. Pande: It is provided by customary laws.

Shri Raghuramaiah: Even if the customary law allows that, why should we allow it now? Some of them which are now in the prohibited category are allowed by customary law. It is very common in some parts of the country to marry a sister's daughter or a maternal uncle's daughter, but we have prohibited them. Why should we not, therefore, prohibit this kind of relationship also? I suggest that there should be a provision to that effect and we should not allow the position to remain as it is even if it is so.

Then, coming back to the question of petition for divorce and also nullity of marriage, I find that any marriage solemnized before or after the commencement of the Act, can be nullified on a petition presented by either party. You will notice that one of the grounds on which a petition of this nature can be filed is that either the husband or the wife has a former wife or husband. Power to dissolve the latter marriage is given only to the husband or wife; that means the first wife who is still living or the first husband who is still living and whose marriage is valid, cannot go to the court. Supposing a man has married ten years ago and his wife is still living. She cannot go to a court and say: "I have already been married to this gentleman. He has married X. Please cancel that marriage. It is invalid." That right of petitioning is not available to her, whereas it is given to the later wife. She can go to a court and say: "I have been cheated. There is already one previous wife living." That is another lacuna which I think the Select Committee should seriously consider.

Mr. Deputy-Speaker: There seems to be an exemption so far as that is concerned in the Bill.

Shri Raghuramaiah: If that is the intention the Select Committee should make it clear.

Mr. Deputy-Speaker: The exemption is in favour of those marriages which were celebrated before the Act and which were valid under the law. If it was valid to marry two wives....

Shri Raghuramaiah: Suppose the second marriage is invalid and the earlier one a valid marriage. A man,

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already married, leaves his wife and marries another wife. That can be declared void under clause 11.

Mr. Deputy-Speaker: No.

Shri Raghuramaiah: Yes. Because, sub-clause (2) of clause 11 reads:

> "Any marriage solemnized after the commencement of this Act may, on a petition presented by either party thereto, be declared null and void on the ground that it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5."

Mr. Deputy-Speaker: Provided, however,.....

Shri Biswas: Look at the proviso.

Shri Raghuramaiah: To sub-clause (2) there is no proviso.

Mr. Deputy-Speaker: Proviso to sub-clause (1).

Shri Raghuramaiah: I am reading sub-clause (2).

Mr. Deputy-Speaker: That relates only to marriages solemnized after the commencement of this Act.

Shri Raghuramaiah: Quite right, Sir. Tomorrow, after this Act is passed, if somebody has got a wife living still, marries another.....

Mr. Deputy-Speaker: He cannot.

Shri Raghuramaiah: Suppose he marries, it must be set aside.

Mr. Deputy-Speaker: It will be bigamy.

Shri Raghuramaiah: It must be set aside. What is the fun of saying that a marriage solemnized after the passing of this Act may be set aside on the ground that it contravenes any one of the clauses (i), (iv) and (v) of section 5? Clause (i) of section 5 is that he has a spouse living. Therefore, any subsequent marriage must be legally set aside under this clause. If a husband or wife is already living and a person marries after the commencement of this Act, that marriage has got to be nullified.

Pandit Thakur Das Bhargava: It is void. It is bigamy. It is void legally.

Shri Raghuramaiah: Then, reference to sub-clause (i) of clause 5, is unnecessary.

Clause 11(2) says:

> "Any marriage solemnized after the commencement of this Act may, on a petition presented by either party thereto, be declared null and void on the ground that it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5."

[MR. SPEAKER *in the Chair*]

And clause (i) of section 5 is that there is a spouse living.

Pandit Thakur Das Bhargava: Kindly look to Clause 18.

Shri Raghuramaiah: In that case, this reference to sub-clause (i) must be removed from clause 11(2). If it is already void, there is no need for a declaration that it is null and void. It is a redundant and unnecessary procedure. In view of clause 18, this reference to clause (i) of section 5 in clause 11(2) must be removed.

These are the few suggestions which I wanted to place for the consideration of the House. At the same time I would most earnestly urge that Government should not be satisfied with a measure of this nature. However important it may be, it is only a small pebble and the country looks forward for a more radical, more comprehensive reform. I know the difficulties of the Law Minister. I know the difficulties of conservatism in the country, but I think we should be able to get over all that. We should not be afraid

of any social revolution as some of our friends were threatening yesterday, and whatever we do, it is most important that we remember that the country looks forward to a more radical social reform. I think we have done precious little in that field, and we should not waste any more time. I would particularly emphasize that this Bill will be of no consequence, and of no benefit, to the women of India unless they are given an equal right to property, and the sooner we do that, the better we would have discharged our duty to the country at large.

Shri M. A. Ayyangar (Tirupati): I would like to say a few words regarding this matter. It so happens that I am a father of both daughters and sons.

Shri Nambiar (Mayuram): How many sons?

Shri M. A. Ayyangar: Leave that alone. I have only one boy.

Much has been said on all the aspects, and we have to consider this matter rather dispassionately. Marriage is essentially a human institution. We do not have marriages among animals. This, after all, since the dawn of civilisation—at any rate, for five thousand years in our country—has been on a balance of convenience and advantages. Marriage as an institution is useful for bringing harmony in society, happiness inside a house, a sense of security to either spouse, and lastly, in the interests of the progeny, a marriage or the continued existence together of husband and wife, is necessary. All these four items have been taken into consideration from time to time by all law-givers. It is wrong to think that our law-givers, as many as hundred or 120 in number, who were responsible for our *smritis*, have stuck only to one principle for all time. Hindu religion does not believe in the last of the prophets: As Lord Krishna said:

यदा यदा हि धर्मस्य ग्लानिर्भवति भारत ।
अभ्युत्थानमधर्मस्य तदात्मानं सृजाम्यहम् ।।

"Whenever there is some difficulty, then I will appear in any shape or form". Therefore, I believe in a progressive course. Our Manu *Smriti* did not stand for all time. After Manu *Smriti*, Parasara *Smriti* came into existence, then Narada *Smriti* and others, from time to time according to nature and conditions of society. Therefore, if anybody says that Hindu law ought not to be changed and we must only stick on to what was good to an earlier condition, it will be reading Hindu law wrongly and the approach which our ancestors had with respect to this matter.

As a matter of fact. Manu *Smriti* was changed into Parasara *Smriti*. A number of Maharshis went to Vyasa and told him: "This Manu *Smriti*, the *acharas, vyavaharas* and *samskritis* and others are so rigid that unless we have a life of a thousand years we may not be able to complete them. Therefore, give us some other *smriti*." Then, Parasara gave a different *smriti*. Therefore, this House is quite competent. It is also said in the *Thaithiriya Upanishad*: "Whenever you do not have a written text regarding a particular matter, take hold of three elderly men of righteous conduct and ask them what ought to be the course in a particular matter, and take it as your *dharma*." Therefore, I fully believe in the capacity and the authority of this House to decide from time to time what ought to be the social structure, and if necessary, to modify the social structure. I would only say that the initiative might have been taken by the various *mutts* and the *matatipathis* and religious institutions. but unfortunately the present generation does not move with the times as our ancestors. They are too rigid on one side and too revolutionary on the other. A middle course has to be adopted. A quarrel between a husband and a wife as to whom the child belongs is never-ending. It belongs to both. Therefore, it is neither actionary nor reactionary. I do not know what is meant by actionary and reactionary. Both actionaries and reactionaries are necessary. I can

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immediately say I am not ashamed of being called a conservatist. I think every one is a conservative. So long as an institution is not proved to be false or immoral and no other institution is much better than the institution that I have been adopting, I am not prepared to leave it until there is a necessity for a change. I do not think a revolutionary also has got any different view. Therefore, let us not accuse one another as 'actionary' or 'reactionary', but apply ourselves to the position. Five thousand years ago, in the *Rig Veda*, in the tenth *mandal*, a marriage ceremony has been described. Marriage is not a small partnership on a document or a stamped paper which is engrossed in the presence of two witnesses. But it is a holy alliance, where two persons absolutely unconnected by blood enter into a partnership for all life and carry on a business, and when the children have to come, they feel, we have no right to leave a legacy of *langda bachchas* or blind children or other children with all sorts of defects and deformities and throw them as a responsibility on the future generation. In the *Raghuvamsa*, we have:

त्यागाय संभृतार्थानां सत्याय मितभाषिणां
गृहमेधिनां....

Marriage was intended for the purpose of procreating proper children who will be heroes and heroines to take charge of the community. Any other test was not applied either by Manu or others. I am extremely obliged to my hon. friend Shri V. P. Nayar for his studious capacity and industry to have brought out those two stanzas yesterday; and in his own way, he thought Manu was dealing with something improper. All that Manu said was, do not marry a girl full of disease, or a garrulous woman who will begin to quarrel and so on. I shall adopt it for all time, and I would even ask my hon. friend to adopt it, but he is already married. So I would ask any other person who has to marry to adopt this device absolutely, and so far as women are concerned, I would ask them to do likewise. (*Interruptions*).

I do not want to be proud of any institution which has been wrong. At the same time, let us not be too critical of our ancestors. What they did at a particular point of time was absolutely right. Marriage as an institution in our country has worked well. We have not till now an army of unmarried women on the one side, an army of unmarried men on the other side, and an army of children without parents on the third side.

An Hon. Member: But there is an army of widows.

Shri M. A. Ayyangar: So far as the army of widows is concerned, I would only say that as long ago as 1856, the Widow Remarriage Act was passed. But I would ask hon. Members to be realistic and say how many widows have been remarried since then. Social evolution must be there through the ages. What is the mere good of saying there are so many widows? Kalidasa in his *Sakuntalam* says:

अनाघ्रातपुष्पं किसलमघूनं

He says there, this is a flower which has not been smelt. That being the case, however much they may talk on the platform, men are not willing to marry widows; they only want untouched girls. This is the main point. In 1939, when I was a Member of the Central Legislature, one gentleman from Bengal introduced a legislation whereby he said that even in a single case, no widower shall marry a spinster. What was wrong with that? If widowers are not to marry the widows, where then is the possibility of implementing this Widow Remarriage Act of 1856? I ask those hon. ladies here, who are my sisters, and who have got their daughters to marry, to think over this matter, whether, perchance they ask for *talak* or divorce in our country, there is any chance for these young women, while another husband is alives. If she gets

a divorce, is it likely that she will be touched by any other man? I am asking them to be realistic. While I am cent per cent in favour of monogamy, I am a little hesitant about the introduction of *talak* or divorce so early. Let us make an experiment for some time. (*Interruptions.*) We have to look into the question from various points of view. Suppose a man marries a woman, but all the time he lives with his wife like a cat and dog, then their life will be miserable. So, any institution which makes their life happy at home, even if they should be poor and earn their livelihood by working from day to day with their own hands, is preferred to something which leads to a life of fight as between a lamb and a lion inside the house. According to the western institutions, the marriage takes place after the ages of twenty or twenty-five. Each looks at the other, but does not look into the other, and does not know what exactly the mind of the other is. And yet, they would not allow the parents to decide the marriage, and they will come out saying, oh, curse that child marriage system. The parents know better; it is not every child that is given as a *bali*, or *ahuti* or sacrifice, and the parent is interested in the inside and outside of all his relations, and he brings about a marriage between proper persons. At the age of twenty-five or thirty, how is it possible for the boy or girl to know each other? If the boy wants to marry a girl who is a high court judge's daughter with a lot of patrimony, he will pretend to be the finest young man for a period of one year, until the marriage is celebrated. If the girl has a deformity, she will put on appearances, and try to marry the best man, but immediately thereafter, they go to the divorce court saying, come along, we did not know that this boy was useless, and similarly the other party will say, nor did I know that this girl was useless. These are the difficulties that occur, if there is divorce,—not that I am against it. Even in America, I understand—one of the important Ministers who returned recently from America told me—they would like to reduce the age of marriage to nineteen and twenty, and not wait till twenty-five or thirty. I may also say that there is a campaign going on for this purpose.

न स्त्री स्वातन्त्र्यमर्हति

This is what Kalidasa said in some context. Until they reach the age of eighteen, boys and girls have no *swathantriya*; the minority age applies to both boys and girls, and they have to be taken care of by the parents. After the sixtieth year, the man as well as the woman both become old, and they have to be taken care of by some others.

Shri S. S. More (Sholapur): That quotation has a wider reference.

Shri M. A. Ayyangar: In between, some protection is necessary. When there was the unfortunate driving away of refugees, were men decoyed or women? They took away only the women, but not one man was taken away. So, let us be realistic with respect to this matter.

Shri S. S. More: There was shortage of women.

Shri M. A. Ayyangar: Whether it is shortage or 'longage' of women, either the one course or the other, this is what unfortunately happens in the world. My hon. friend Shri Raghuramaiah said, give them property, so that they may live separately. All right, by all means let the women live separately, let the men live separately, and let this society go to dogs once again.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Why?

Shri M. A. Ayyangar: I shall tell you why, presently. The saying goes:

विश्वामित्रपराशरप्रभृतय:

I ask each one of us here—we are here not only as individuals, but as representatives also—to lay his or her hand upon his or her heart and say

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whether under such circumstances, any person will be so pure, celibrate and perfect as to become a *sanyasin*. Even those persons who have fled away to the forests took their wives with them and lived there. So, under those circumstances, do we want to create all those problems once again, and bring about even without marriage all those unnatural offences, and all sorts of other things in this country? As I stated earlier, we are in evolution. Even with respect to the question of evolution and monogamy, there has been an institution in our country. My point is that I am against divorce, and I am in favour of monogamy. Whatever I say may be referred to this.

Marriage as an institution is both economical and social. There was a time when women were married to the entire community, and later on, men were also married to the entire community; there was thus polyandry on the one side, and polygamy on the other. But polyandry was stopped, except in some hill stations, and even there, it will be affected by this Bill. So far as polygamy is concerned, even from ancient times, not only here, but in other countries as well, especially in the Christian countries, polygamy has been allowed. That is true. As Shrimati Subhadra Joshi said yesterday, there was marriage with a second woman, if the first wife had no children. But they had some sense of religion, and some kind of a piety. But today what happens is this. A young man goes into the cinema-house, looks at the cinema star the previous night, and when he comes home, he starts beating his wife the next morning, and wants to marry another girl, because this girl is not as beautiful as the girl whom he saw in the cinema.

Shri S. S. More: Are you prohibiting cinemas?

Shri M. A. Ayyangar: I am prohibiting many other things. The unfortunate thing today is that the moral background is gone, and the religious background is gone. It is absolutely love today, and the man, if he has got only some money, can go on changing like a bee which changes from flower to flower. This is the unfortunate thing that is happening. I have also come across certain cases—possibly others do not know—where persons who have come and settled here have sent their wives back to their homes for confinement, and by the time, the lady comes with a child, she finds another mistress in the house. How is this to be tolerated?

Shri Velayudhan: These are all exceptions.

Shri M. A. Ayyangar: These are exceptions, I agree. But what are these other women to do? I would say that a time has come when there is no longer the idea of having some children for the purpose of performing *'pithrutharpana'* and all that. Those things have gone to the background, and people nowadays do not think much of it ordinarily, except in certain rare cases. Therefore, it is not for the purpose of getting progeny that people marry now; of course, it is one of those things which is still alive, but unfortunately, the other considerations are prevailing so much that it is not necessary to continue this system. A time has come when a man ought not to marry more than one wife. You may have heard that some accusation is made against the Islamic religion on the ground that it allows four women to be married to a man.

The poor Prophet had this difficulty evidently—a person could marry any number of wives. He reduced it to four. Perhaps, if the Prophet would have been alive today, he would have reduced it still further from four to one. Some friends have said that Islamic religion has not been modified. If I choose the right path for me, I would not wait until some other man treads that path. So that is the

misfortune. If at the time we return home, we find some other husband at home, we would commit suicide. Likewise, why should we not be charitable? How can a woman allow any other woman to share the affections of her husband? I find some of our sisters applauding my speech. So far as this matter is concerned, I am only saying that notwithstanding this Bill, there are many things, many irregularities committed, and we do not find any condemnation by any association of those irregularities. Some of these young girls are M.As. Six Masters of Art, all young and beautiful girls, have run after one single man, merely on account of his wealth. I challenge. What is it that the women's organisations have done? It is not the man that marries this beautiful girl, it is the girl that marries because of the wealth. What has been the obloquy?

सर्वे गुणाः कांचनमाश्रयन्ति

If a single person is guilty of ignominious conduct, we shall say: 'We shall not tolerate this nonsense, and it shall not be allowed to go on'. We do not do it. That is the mistake we are doing—in regard to both men and women. We have lost the courage of our convictions, to get up and restrain that man or woman who is guilty of that conduct. We must condemn that person irrespective of the consequences in the interest of society. Therefore, the time has come when we should say 'one man, one woman'. But I am not in favour of one man and woman at a time. This is polyandry *cum* polygamy.

Shrimati Jayashri—in answer to a question put by the hon. Minister—'Would you allow collusive marriage and collusive divorce?' said: 'What is the harm?' I am sure she will reconsider that position. Shall we go on changing husbands and wives as we change our coats and shirts? It is very wrong.

Shrimati Jayashri (Bombay—Suburban): I said when they had to say that they were collusive, they were telling lies.

Shri M. A. Ayyangar: She said it would lead to lies. She wants to prefer the lesser of the two evils, according to her. That is, somebody will come forward and say: 'This person has committed adultery'. She will also say: 'Yes, what can I do?' Under the circumstances, as a cause for divorce, why do you allow these people to tell lies? But the safety in the Bill is that it is left to the judge to find out whether it is a collusive one. Then he would not allow separation. Therefore, hon. Members.....

Shri S. S. More: He will be guided by his own experience.

Mr. Speaker: Let him proceed.

Shri M. A. Ayyangar: Therefore, I would like monogamy to be there. It is in keeping with the age of Ramachandra whom we all adore even to this day. The time has come when we should without hesitation follow it. That is my humble submission.

Now, so far as divorce is concerned, I am afraid even with respect to monogamy there are some difficulties. My friend, Mr. Khardekar, said it has become an economic institution. People say in the whole of India, men and women are equal in number. But take Orissa; there are more women than men. In Pathankot, there are more men than women. Therefore, will you say that there is a Pathankot male and there is a female in Orissa and they balance each other? What is the good of that marriage? I know there are communities where there are a large number of females living absolutely all through life without conjugal happiness and also without any economic help. There must be some other person to support because the parents must die in advance of those children. Therefore, for support sisters marry the same man. I would have liked for some time that with the consent of the woman, he can marry after ten years and so on. But that consent can be coerced. Under the circumstances, do not make it optional for the husband. Let us try this experiment of having monogamy

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and not allow the husband or the wife to change during their lifetime.

11 A.M.

So far as divorce is concerned, even the *Parasara Smriti* allowed divorce to some extent.

So far as the five are concerned, they are already in existence. *Nashte* is there. Then we have *Mrite*—if the husband dies, the woman can marry another husband. Then we have *Parivrajate*—that is, if he becomes *sanyasin* or if his whereabouts are not known, then *Klieve*—impotent, and then *Pathete*. i.e. if he changes religion. Under these circumstances, it allowed divorce. But it so happens that during the latter period this has not been adopted. Now, hon. Members will consider, particularly in the Select Committee, whether the time has not come when immediately we should introduce some such thing as this.

Now women want equal rights with men. What are those rights? Till now, a woman was not entitled to have many husbands simultaneously, but the husband could have many wives simultaneously. Now, both man and woman want equal status. Let them continue for a period of five years or ten years; let us watch what exactly is going to happen. I am only requesting the lady Members of this House to consider. If a divorce takes place immediately and power is given, who will be in a disadvantage? Let them not delude themselves that beauty will continue for ever. A woman may be beautiful today, but may be stricken with small-pox tomorrow and what is to happen with respect to that? So there is no good just banking upon these things; they are all effemeral. Ultimately what abides is something different. You may be surprised to find a beautiful looking woman marrying an ugly man; ultimately they are in so much love with each other that their hearts have mixed up like the Yamuna with the Ganga; nothing can stand....

An Hon. Member: Poetry.

Shri M. A. Ayyangar: It is not poetry, my dear young man.

So long as there is a loophole, we will go on changing from one to the other. It is definitely said that we have to hold together; at any rate, before day-break all quarrels end.

I would urge upon hon. Members of this House and people outside also to consider these matters. Let us for a period of five or ten years work this monogamy system both for the husband and wife. Let us not get out of it.

Shrimati Subhadra Joshi spoke very well and in a very touching manner, she narrated the difficulties undergone by a number of young girls and she appealed to the good sense of this House and asked: 'Will you allow this?' Even if there was a single case of hardship on account of various considerations, she said, the wife must be separated from the husband, as you have made a provision in the Penal Code even for a single case of murder. I am sorry the analogy is not appropriate. I would only say this: if in a village there are number of houses and one house catches fire, will you destroy all the other houses so that they may not catch fire? You must consider it from this point of view also. Under these circumstances, it does not matter if one woman is not able to get out of the hands of the husband, but even there we have made a provision. It appears our friends are forgetting what all we have done. So far as this matter is concerned, we have made provision three or four years ago for separate living and maintenance, under circumstances for which she will be entitled to judicial separation. Judicial separation—what is that? Why does not the girl remain separate even if he should be guilty of adultery? Our *Shastras* have gone so far. Unfortunately we think our ancestors were fools. I do not know what we will be called by our succeeding generation

later. Now, Manu or Yagnavalkiya did not want us to drown ourselves in the Ganges or the Jumna. This is most unfortunate. I went along with you, Sir, to various countries. Each country is proud of its own achievements and culture. This is the unfortunate country where everything is wrong from start to finish, and we say that our ancestors have been wrong in having produced us! I want to appeal to the hon. Members of this House, and particularly, to the lady Members to realise this, namely, that marriage is not a unilateral affair. I also find one lacuna here. It can say that marriage must be between two Hindus of opposite sexes. It must be there. Of course, nowadays we do not hear of such nasty, unnatural offences—incests and so on. Nothing of the kind. Let us realise that we have got a message to give to the rest of the world. We are one of the most ancient civilizations in the world. Let us realise this. If a husband must behave badly, I do not want a wife to go on surrendering to him. But there is a provision already made in that regard. You may say, let her live separately and comfortably, away from him. But there is one other point. What is the good of living, even with maintenance and a separate residence? And even if the girl gets separated, I might ask: is she not likely to have a marriage? Normally, about the exceptional beauties, I cannot say. As Mr. Khardekar said, one beautiful lady may be liked by many. I do not know if one beautiful lady will allow a hundred men to just rush at her! It is very wrong. After all, appetite grows by what it feeds on. It is a desire, a mental one. But one can curb those desires. The greatest man both in this world and outside, and beyond this world, is the man who has controlled his passions. It is such a quality that our ancients have developed and we have to develop. Human agencies have developed to that extent, and so, we do not rush after any such thing, unlike animals. We have to restrain our desires, and thus we attain a position in society. Therefore, I am not in favour of this divorce. The Select Committee should try to avoid this divorce for a period of five years. If perchance, divorce has to be given, it should not be for the purpose of getting rid of contact with a disease, say, leprosy. A person may develop leprosy in his fiftieth year. But I understand it is not obligatory under the provisions. The wife is not bound to give him up. But take the other case. A woman also unfortunately falls a prey to leprosy. Do you mean to say diseases make a difference between man and man? A woman also may be a leper. Instead of keeping her somewhere and attending upon her, should we throw her away to the streets, in which case we might like to become *parivrajakas* or *sanyasis* or become outcastes. If divorce has to be kept as an indissoluble factor along with this, confine it at present to that aspect. Instead of judicial separation, she can live separately and then have maintenance. Even if the man should be guilty of adultery, the woman should have maintenance under the Hindu law. Our ancestors have said you cannot kill a man merely because he commits adultery. Then, why should we chastise our women? We must maintain her and give her such great comfort as to bring her back into the normal condition. That is what I would say so far as this is concerned.

I would now appeal to the hon. Member to realize the fact that from the dawn of civilization down to the present day, marriage has been facilitated and divorce had been made difficult. I want all possible methods for inducing persons to marry. Marriage must be allowed so that no child could be called bastard. Our ancestors had eight forms of marriage, so that even if a person should carry away a woman and then a child is born, that child would be said to have been born out of legitimate marriage. That would be a legitimate child. We are progressive as against them. There is no such provision here. You must have only a particular form, by

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force or compulsion. Then, what is to happen to that child? Under these circumstances, I would say this: let us progress, and let customs continue. Tonight you marry, and tomorrow morning you make a divorce, and then make divorce also, as a customary form, difficult, as Mr. Jangde so wisely put it. The problem there is, the woman gets away and the husband looks on, whereas in the other case, the man is master of the situation. Let there be justice between both. I say I want to be proud of my country, of my ancestors. Of course there are ways which we have a right to set up. In the 10th Chapter of the *Rig Veda*, marriage is described. It was 5,000 years ago, as the European scholars grudgingly put it. I would put it at 15,000 or 50,000 years ago. There, a marriage took place between Surya's daughter and the moon. What is moon? The light which comes out from the sun illumines the moon. This is an astronomical fact. The moon by itself has no illumination and it does not by itself illumine the other bodies. This was discovered by the Europeans only recently. But our ancestors discovered it 5,000 or more years ago. Well, the girl is bathed and is given a new *sari*. The very words of these descriptions are preserved in *cadjan* leaves—the words which have since been used over a continuity of several civilizations. Is this wretched or immoral life? I would commend the House to consider this aspect. Then, the girl is taken to her husband's house. *Panigrahana* takes place. She is handed over to her husband, to take charge of the household. She is told: you are no longer a member of my family. You are a member of your husband's family. So, on the right of inheritance, I would urge upon all the Members, especially our sisters, in the House to make it impossible for the husband to *chakkar* out. As soon as the woman is married, let her become an equal sharer in the husband's property. It is said in the *Puranas*: do not allow a single tear to drop from the eye of the woman. How many of the husbands now follow this direction? On the other hand, they make them weep. Let us rise and give a proper place to those women. Let no one of us treat them as slaves. '*Saha dharmachari tava*'. That is what our ancients have said. It means, you have a co-equal partnership along with your husband. The *panigrahana* takes place. The father introduces the girl to everybody. This is what he says:

संराज्ञी भव श्वसुरे
संराज्ञी भव ननादं
संराज्ञी भव देवरा

She becomes the queen of the house. I am proud of such a tradition. But unfortunately, some fools may treat her as slave.

Shri Gadgil (Poona Central): They are in the majority.

Shri M. A. Ayyangar: The majority do so. You and I would not do it. We are slaves before our wives! If I have been contented with respect to one wife, my friend has the misfortune of bowing to another also. This is the *sloka* which I may repeat:

संराज्ञी भव श्वसुरे
संराज्ञी भव ननादं
संराज्ञी भव देवरा

Swasura is father-in-law. *Devara* is brother-in-law; *Nanandari* is sister. They wish that the first son out of this marriage should take charge of the house. The wife should maintain the younger children and the older parents in the household. Whether he is a socialist, whether he is a communist—all of us have got experience of a social structure in society. Do not disturb it. Let us create a broad mentality. After all, by virtue of your motherhood, you have to give the country the future heroes and heroines. So, do

not make this marriage or this divorce so cheap, and so easy for men and women to marry and get divorce. Do not make this *talak* or divorce cheap. Let us continue the existing order for some time. God is there. We make a law today and we can amend it tomorrow. Five years is not too much. I appeal to the Members of the House, particularly to the lady Members, to realise that divorce is not indissoluble from marriage. Let nobody be under the impression that divorce is indissoluble from marriage. We are largely following the ancient marriage system. Why should you make a marriage between divorce and marriage? Divorce can stand separately. Let us have monogamy. I am a product of the old culture. I am now changing into the new culture. I may be called conservative or liberal. But I feel that there is something in our ancient culture which has to be preserved.

Mr. Speaker: Before I call upon other hon. Members of the House, I will just make one announcement. On the question of privilege which was raised this morning, we shall have a discussion tomorrow after the question hour. That is the announcement which I wanted to make.

Dr. Jaisoorya (Medak): After hearing the last speaker, the hon. Shri Ayyangar, I now realise the significance of Justice Holme's famous dictum that people think and act and judge according to the major inarticulate premise of one's mind.

[MR. DEPUTY-SPEAKER *in the Chair*]

We all judge unconsciously, our actions are influenced sub-consciously or unconsciously by the great subconscious which lies far back...

Mr. Deputy-Speaker: Let me make one announcement. The hon. Members need not be deterred by my speech from saying what all they want to say because I am in the Chair.

Shri Sadhan Gupta (Calcutta-South-East) *rose*—

Shri S. S. More: Is it not possible that your critics may not catch your eye?

Several Hon. Members: That is not fair.

Mr. Deputy-Speaker: That can be said of everybody.

Dr. Jaisoorya: Today we have taken over the function of making of laws. They were in the ancient days codified by learned men. Today it is *Rajsahana* or the law making faculty. Therefore whatever we do, we have got to take an impersonal attitude; we have to take a realistic attitude towards these and keep always at the back of our mind that it is the "major inarticulate premise of one's mind" that is guiding us rightly or wrongly.

My hon. friend, Mr. Trivedi, challenged our right to make laws. His accusation was that we are tampering with the Hindu *dharmic* principles.....

Shri U. M. Trivedi: I did not speak about it.

Dr. Jaisoorya: His idea is that it has never changed. Those laws have never changed. On the contrary, upto the 17th century our Hindu laws were constantly being codified and constantly being changed and this had been going on. The earliest time we know is of Gautama Smriti 600 B.C. and then Manu altered it 200 B.C. and for 2000 years nearly it has governed our society, not of all the masses but certain privileged class, the upper class. In other words the masses of India has been influenced by the so-called customary laws and these customary laws have very often been followed actually in preference to written law. These were again altered because Hindu society always found that social and economic changes are taking place and therefore the old laws must change. All these things were regularly taking place from time to time till the alien rulers, the British came. There was no argument to be

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raised against them by those who say that we are doing a sacrilegious thing by altering the Hindu law.

Our present Hindu laws have become confusion worse confounded by the interpretations placed by the Privy Council, by the judicial committees and by the ignorant British judges who did not know the Sanskrit texts. Therefore, our Hindu law at present is a confusion of various decisions that have nothing to do with the old and original Hindu law. What is the crime that we are committing if our Parliament wants to codify the Hindu law and make it more applicable to the people?

[PANDIT THAKUR DAS BHARGAVA *in the Chair.*]

The other question is this. What has been left after the various inroads that have been made by the British jurists into our ancient laws? What is left of the old original laws? Today we are following Mayne's codification of Hindu law; we are not following Manu or any other law giver. We are following the law as interpreted and accepted for practice in the British courts of law. There is also no pure Islamic law except as accepted for practice in the British courts of law. We are now, as a sovereign people, having a right to codify, to remove all the extraneous things, so that we may make it uniform and simpler so that it may be universally applicable. So, we will now have to think in terms of this. According to V. P. Kane, there is hardly anything left in the *mitakshara* law except the outer cover; there are so many interpretations and there are five schools of thought. It is now shorn of all its contents. So what crime is the Government committing? What crime has the Minister committed when he tries to present to the people the same old *smriti* laws in a new form? There is nothing new; nothing revolutionary in what he has done. On the contrary, the only attempt that has been made is to bring up-to-date or simplify certain codes of marriage which is not uniform all over India at present. For instance, in Punjab it is purely customary law. Hindu law there is customary law. In various places there are various forms of marriage. That is being retained.

What is the complaint? I am again using the words—"major inarticulate premise of one's mind". For instance it has been said that nowhere do our ancient laws allow us to make provision for divorce. That is not true. There are many provisions, I might say in almost all of them. Only they fell into disuse because customary law took charge of the vast mass of the lower classes and the so-called higher strata of society was limited. As Prof. Kane himself says, "laws of Manu are not what they are but what the Brahmins would like it to be". No administrator has ever tried to apply or thrust it on the people. It applies only to certain group of people. Fortunately or unfortunately, it fell to the lot of this group of people to play a vital role in India today and they have got all the political and economic power in their hands and it is they who are victims of the ancient traditions and practice. Is there anything that is left intact? I say, no.

I spoke about the "inarticulate premise of one's mind". The hon. Minister's Ministry evidently did not know where to look for divorce clauses. They possibly thought that there is nothing in our ancient system. I say there is Kathyayana Narada and several others are there. The Ministry had to fall back upon not a very modern one but a very very antideluvian, barbaric divorce law, called the Indian Divorce Act. Practically and bodily, the text has been taken from this Indian Divorce Act of 1869 made by the Britishers. Lawyers have told me: for God's sake try to get this antiquated law removed evolved out of the minds of old Victorian minded Britishers; try to get it modified. What does this Law say? It is applicable to Christians alone. It is called the Indian Divorce Act. Now, here is the Indian Special Marriage

Bill. The Ministry evidently do not know that there are other countries who have laws on this subject. Perhaps they do not know that in Europe, the Europeans considered British social laws as extremely reactionary. But, we for generations have been influenced by British jurisprudence. Here is the Act IV of 1869 and the Special Marriage Act also I have got here. No doubt it has been modified, I am glad to say, in the Upper House. I congratulate the Upper House for being more progressive than the Britishers. If you cannot find in our ancient laws, by our own thinking, reasonable provisions for divorce, then you might as well copy from other countries provisions which are far more advanced. Scandanavia, for instance, is far more advanced than Britain. You go anywhere in Europe and they will tell you that the British social laws are the most archaic system of laws: it is a notorious national hypocrisy. Are we to become victims of this Victorian-mindedness? Just look at the anomaly of it. Sub-clause (v) of clause 13 says:

> "that either party has not been heard of as being alive for a space of seven years or more by those persons who would naturally have heard of it, had that party been alive;".

We have copied this from the British law, whereas in our ancient books of Narada and Kautilya they have made it three years, and in those days we did not have aeroplanes, we did not have the Posts and Telegraphs service. We did not have any of them. But it was based on psychology. They understood the mind of the people and they made that provision of three years. But because we have the Indian Divorce Act made by the Britishers to suit Christian purposes, we have, without thinking, without trying to see the validity of it, adopted it.

Kautilya, one of the greatest realistic statesmen had made a provision that whenever there is mutual hatred between husband and wife that marriage should be dissolved by consent. What is happening? For instance, in Scandanavia there is divorce permitted by consent. In England there is no word called 'prostitution', but a poor woman is said to be 'soliciting'. Are we going to be bound by this Victorian prudery and hypocrisy? We have to take a realistic view of things. I am satisfied that this Act of 1869, the Indian Divorce Act, should be changed radically. The new Hindu Marriage Bill is said to be superior; the Special Marriage Bill is said to be still more superior in its clauses. But we should have aimed at uniformity of clauses. This clause regarding divorce should be completely altered, completely removed and remade. We should have made an attempt to have the nucleus of a uniform Civil Marriage Act.

Now, some hon. Members, particularly, Mr. Trivedi, ask: "Why do you not apply it to Islam?" Our contention is this. Ours is the oldest religion; it is three thousand years old, with the result that it is a confusion and jumble of laws, whereas these are younger religions. We should first put our own house in order. It will take a long time. Once we have done that, the minority communities will have more faith in our *bona fides*. In fact, in spite of being younger religions, their provisions have been much more reasonable than ours. For instance, it is a fact, though not absolutely so as put down, Islamic laws protect the woman more than our laws do, in spite of whatever Mr. Ananthasayanam Ayyangar may say. The moment the Hindu community with all its varied complex problems begins to codify its law, the younger religions will also start reforming themselves. That is why I say, let us put our house in order; then we can become examples to the other religions.

I do not wish to go into details of the awful anomalies and contradictions in the provisions that you have made. For instance without thinking, because it was in the old laws, leprosy and venereal diseases are made a cause for

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divorce. By the courtesy and kind permission of our Minister I happened to be an observer at one of the Select Committee meetings and I think the Minister will remember that I raised an objection that it is completely stupid to say that a man having leprosy should be penalised or a woman having leprosy should be penalised, when there are diseases like tuberculosis, venereal disease, and several other diseases which are far worse than leprosy. So, how can you, without consulting proper opinion put such provisions? In this new proposed Select Committee there is not even one doctor. How are you going to make modern laws without psychologists, without social scientists? Is everything to be based on archaic law? Our laws are always lagging behind. They come long after social conditions have so changed that a revolution is almost eminent. There is nothing to be proud about it. We are making law for the next fifty years; it is for the younger generation who have got different ideas: whose problems are different, whose social outlook is going to be very different from ours. So, we have got to see that these laws which are made are realistic.

For instance, our Constitution has given women equality. But it is only *de jure*. But it will remain a myth unless she has got economic and social equality as well. That is the difference between us and China. The new laws there have actually emancipated the women, because they have made them economically independent. So, this is the preliminary step that we should take. What is the meaning of equality for women when she has no economic independence? Your main aim should be to simplify the law and not make it complex. All these ancient and archaic ideas of judicial separation, nullity, restitution of conjugal rights, all these take years. You may go to a court and obtain a decree; and appeal may be filed; the case may be postponed repeatedly; by the time a final decision is obtained, look at the amount of money wasted; the time wasted and the energy wasted.

I am surprised still to find that barbaric term "cruelty, endangering life and limb". In other words a man can slap his wife every morning; he can insult her every day; he can humiliate her every day; but it does not amount to "cruelty, endangering life and limb". You can hurt a woman much more by your vicious, cold calculated cruelty than thrashing her and how are you going to judge "cruelty amounting to danger to life and limb"? The background of our judges is not the same as that of the judges who made the law. Their interpretations as British judges at least, were more liberal. Somebody said yesterday that he was surprised that the High Court of Judicature of a certain State in South India has sent rather reactionary opinions. I again tell you it is due to the "inarticulate major premise" of one's mind, the background and other things. You want them without knowing the working of British social thought to interpret what the British thought it ought to be. It is changing from time to time. Because of this lacuna, there are a number of miscarriages of justice. I have experience of it. You will find a liberal minded judge here and there. For a correct interpretation there must be a general cultural standard. That background you have to understand before you use the archaic words that were written in 1869 or, if we still have to stick to British precedents let us wait and see whether the British are going to produce a new divorce law. Why? The Act of 1869 needs already to be scrapped. I want you to make it simple, because the customary law can be much simpler and the poorer people will use it as it is simple and more direct, instead of these wonderful stages of jurisprudential differentiations. And you want to make it compulsory for them to observe these laws? It is going to be more hard. Mr. Trivedi said that women will run amuck or that men will become pro-

miscuous. Many countries have brought in the most liberal laws and there has been so little misuse of those liberal laws. There is nothing wonderful in your morality and chastity if it is done under the threat, the force and the fetters of law. It is far better if it is done by your own free will. You cannot prevent anybody from becoming immoral. You can only hinder him. There are subterfuges and subterfuges.

I am telling you that we are making laws for fifty years to come. Laws do not get amended so easily. Remember that this is for the youth of today and tomorrow. Ask the young people, "what do you think of our laws?" We are too old now, many of us, for these laws to affect us. Therefore I am telling you once again your whole ambition must be to make it simple, uniform, feasible.

Absolutely I agree with the entire trend. It is highly necessary that we should have a uniform code, and this is the preliminary step. I think the Law Minister said in his speech, "I want to hasten slowly". This is a very courageous appeal to caution and a very cautious appeal to courage! Sometimes this "hastening slowly" may be equivalent to creeping and crawling for crawling's sake. The problems are very big in front of us. It is for the youth that we are making the law. They are courageous and they have got a fine sense of responsibility. I have seen it in China where the laws are so easy, how little irresponsibility there is and how great is the responsibility with which they are going forward. There are two things that have ruined us: the Pauline view of morals that has ruined Europe; our ancient view of morals that has emasculated us. We have to take the modern, sensible, rational view. And that you can do only if you simplify your law.

Mr. Chairman: Shrimati Khongmen.

Shri Mulchand Dube (Farrukhabad Distt.—North): I have given notice of my intention to make a motion in respect of this Bill. It is in List No. 2.....

Mr. Chairman: The hon. Member has given notice of an amendment which as a matter of fact seeks to amend the Bill in regard to many matters. Generally speaking, it is not advisable to have such a long amendment so far as the present question is concerned. The hon. Member is at perfect liberty to send the amendment to the Select Committee for consideration. A long amendment like this is not even allowed by the rules. I am therefore sorry that I cannot allow it to be moved.

Shri Mulchand Dube: The rule does not mention whether an amendment should be long or short. I will refer you to rule 92 of the Rules of Procedure and Conduct of Business and to the proviso appended to that rule.

Mr. Chairman: The hon. Member, Shrimati Khongmen, may go on with her speech. In the meantime, I will look into this.

Shrimati Khongmen (Autonomous Distts.—Reserved—Sch. Tribes): Sir, on behalf of the women of India welcome this Bill which has been brought by the hon. the Law Minister. For this Bill, when it becomes law, will give protection and right which have so long been denied to the women of this country. Coming as I do from a community which gives equal rights and privileges to women, I do wholeheartedly support this kind of legislation. I was rather taken aback when I heard the hon. the Law Minister saying the other day that Assam and Ajmer were the two States which expressed the opinion that the time is not yet ripe for such legislation. I cannot speak for Ajmer. But as far as my State, that is Assam, is concerned I may tell the hon. Minister that the number of letters that I have received from the Mohilla Samiti, which is the biggest women's organisation in the State of Assam, as well as from individuals will go to show that the real opinion is otherwise. And I am sure my friends here from Assam will agree that the opinion of the majority of the people of Assam is in favour of this Bill.

Sardar Hukam Singh: Does Mr. Chaudhuri agree with that?

Shrimati Khongmen: I may remind the House that he who championed the cause of the air hostesses and who very valiantly fought against the Finance Minister when he proposed to levy taxes on lip-stick and so on, will surely take up the cause of the women of Assam by supporting this Bill whole-heartedly. I also find from the opinions expressed by various public bodies, officers and eminent persons of Assam who were consulted on the Hindu Code Bill as far back as 1945 and 1947, that a majority of them are in favour of it.

Shri R. K. Chaudhuri (Gauhati): In favour of divorce?

Shrimati Khongmen: In favour of Hindu Code. I, therefore, say that the public of Assam, especially the women, are anxious to see that social reform is introduced in this country as speedily as possible.

We have heard during the course of the debate yesterday and today, how in many cases women are ill-treated in such a way as to reduce their position to mere household property or kitchen slaves. It is the women who in spite of their proverbial long suffering and gentleness feel that the time has come when a legislation of this kind should be brought forward. I stand here today to give full support to their demand. The women all over the country today are conscious of their rights and privileges. There is a great awakening among them, so much so they feel that old laws do not hold good for them under new circumstances. We must also be courageous enough to admit that our women do not get a fair deal from the men nor do they get justice from the man-made laws. Social laws, if they do not keep pace with progress are bound to break down and have a bad effect on the development and progress of the country. There may be apprehensions in the minds of some that freedom to women may lead to unhappy conditions and chaos in social life, but experience will tell otherwise. I can assure them that women by nature and instinct are incapable of ill-treating the men. Therefore, they need not fear that women will use their freedom as a weapon to fight against their men. On the other hand, given a free choice women will do their utmost to serve their home and children as also their countrymen at large to the best of their abilities and advantage to the men. I will cite a concrete example. I come from a district called the District of United Khasi and Jaintia Hills where women are held in the greatest respect. They enjoy all the rights and privileges, which no other women on earth, I dare say, enjoy. They are owners of children, land, property—movable and immovable, and everything else. They can marry men of their choice and a divorce could be easily got by mutual consent. And yet they are as devoted and obedient to their husbands as any other wives in this country are. The men are the heads of families and their advice and consent are taken in every matter. Their women like to see that their homes are happy and that every member of the family is happy and contented. The sense of security, contentment and harmony is very much to be seen there. Though they are placed in such a high and privileged position, I may tell the House that they never neglect their duty to their homes and husbands. They rarely go to the law courts for divorce. In some extreme cases even if they do go it is always on the grounds of neglect and cruelty on the part of men.

Shri R. K. Chaudhuri: On the part of women.

Shrimati Khongmen: No, on the part of men; because I may tell you that even in that society men are physically superior and I regret to say that sometimes they do practise wife-beating and inflict other cruelties on the women.

Shri C. D. Pande: In spite of their owning the property etc.?

Shrimati Khongmen: Sir, I do not want to take much time of the House. I may conclude by saying that the men there are well contented and happy with the state of affairs and if a census for a change is proposed, I am sure that 99 per cent. of the men would vote against the change. Therefore, I can see no logical reason why we should hesitate in the passage of such a Bill. I, therefore, appeal to all Members of this House to give full support to this Bill.

Mr. Chairman: Let me first decide the point raised by Shri Mulchand Dube.

Shri Mulchand Dube: Am I allowed to move my motion?

Mr. Chairman: Certainly not. Rule 92 is quite clear on that point. According to me it is out of order. If he has anything to say on that I am prepared to hear him.

Shri Mulchand Dube: I read, Sir, the proviso to rule 92:

> "Provided that if an amendment or a motion for appointment of a Select Committee or a Joint Committee has been moved under this sub-rule, any member may move that the House give instructions to the Select Committee or to the Joint Committee to which the Bill has been referred to make some particular or additional provision in the Bill and if necessary or convenient to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend:".

This shows that every Member has a right to ask the House to suggest to the Joint Committee to consider any particular or additional provisions. The motion that I have tabled clearly signifies that not only I want the Select Committee to consider certain particular provisions, but I also want the Select Committee to consider the making of certain additional provisions. Therefore, my submission is that to me my motion appears to be in order.

Mr. Chairman: So far as this aspect of the question is concerned, the hon. Member wants that some amendments may be considered by the Select Committee. It is perfectly reasonable and they will be considered by the Select Committee by the mere fact that the hon. Member has given notice of his amendment. At the same time, so far as the rule is concerned, rule 92 is quite clear. This rule contemplates to provide that the House may be pleased to give special instructions to the Select Committee to consider particular provisions or make additional provisions, or the Select Committee may be instructed to allow such amendments as are amendments to the Act itself. Now, this amendment of the hon. Member does not seek to give any instructions to the Select Committee in respect of any particular provision. What he wants is that the many amendments which he has proposed may be considered by the Select Committee. If all these amendments are considered in the House and the House is asked to arrive at decisions and then instruct the Select committee, there is no use of a Select Committee. If the hon. Member wants the Select Committee to be given instruction in respect of any particular provision, then I can quite understand, but that the hon. Member has not said. He has, in his amendment also, made rather contradictory statements. He has said the Select Committee may consider this and that. The Select Committee will consider everything. Here, the only provision is that the House should be pleased to give particular instructions to the Select Committee. But this is not the amendment that some instruction may be given to the Select Committee. On the contrary, the hon. Member himself says in his amendment that the Select Committee may

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be pleased to consider this and that amendment. This is not allowable under rule 92.

Shri S. V. L. Narasimham (Guntur): The hon. Mr. Ananthasayanam Ayyangar, in the course of his address, was rather very indignant at some of the speeches that have been made on the floor of this House in support of this piece of legislation. Of course, he welcomed also a part of the proposed Bill. He also recited a number of verses from various texts of ancient days. We are also used to scholars reciting from the *Vedas*, the *Smritis* and the *Srutis* and the *Puranas* and also describing to us the exalted position which had been assigned to women in those days. Not only that. The books we generally write, the pictures we begin to paint and the music we compose—all these things we find are always full of praise to the great virtues of women, the chastity of women and their nobility and to what not. Now, let us question ourselves how far all these sentiments that are expressed in the various texts are true to life.

The ancestors and the sages have enjoined various duties both on men and women. Today, what is the position? Man has forgotten all the duties that were enjoined on him, but insists on the obligations that are imposed on women being fulfilled to the very letter. If I begin to describe the abject conditions and degradation and servitude to which the women of our country have been subjected to all these centuries, I submit it is only stating the obvious. Therefore, I feel it is enough to state that the women of our country are not allowed even the value of a dead body. A dead body at least compels the attention of society to the extent, at least, of a decent burial or cremation, but even that position, I would venture to submit, has been denied to our women.

The hon. Mr. Ananthasayanam Ayyangar has raised some questions also. He asserted that he is in favour of monogamy, but he opposed the provision of divorce. He went a step further and questioned us thus: if today we are going to confer rights of property on women and allow divorces also to take place, is it possible for the man and woman to reside together? What happens to the progeny? Is society not going to dogs? With all respect to him, my humble submission is that he is guided by a misconception and a misapprehension.

After all, let us not forget that the provision of divorce is only an enabling piece of legislation, and is not obligatory. We credit the men and women of our country with a sense of understanding, with a sense of responsibility and with a sense also of service to the humanity at large. Are we to imagine that the moment a particular provision, an enabling provision, is incorporated in a Code, every woman will automatically come forward with a petition before a court for dissolution of marriage? Are we to understand, the situation being what it is, that the women of this country will not take into consideration how society treats them and what rights they enjoyed in society before? They will be exercising their discretion. So, my humble submission is that there is absolutely no need for Mr. Ayyangar to have any such apprehension.

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He further said that our ancients have allowed various forms of marriage, but this Bill, to his mind appears to have restricted the forms of marriage. I would humbly submit that that is another misconception. I draw the attention of the House to clause 7 of the present Bill. It reads:

> "A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto."

When the customs and usages which have been in vogue for centuries are sought to be respected and preserved

in the Code, there is absolutely no basis for his apprehension. I would also go a step further and submit that this Bill seeks to preserve the customs and the usages, as I find the same repetition even in clause 5, sub-clauses (iv) and (v). These sub-clauses deal with the degree of prohibited relationship and *sapinda* relationship, and in both these cases an exception has been created only with a view to respect the usages and customs that have received the sanction of society for centuries that have gone by.

Then, there has been criticism that this Bill is going to lead to disruption of Hindu society and is going to create what was termed as the portals of immorality. With all respect to the sentiment expressed by the hon. Member, I would like to draw the attention of the House to some facts. The perpetuation of the institution of widowhood, untouchability, the dowry system and what not—do these elements lead to disruption of Hindu society or not? When there has been an attempt by a progressive section of the country to eradicate all these evils, what was it that was said by those who pose to be the sponsors and champions of religion? They began to come with the howling that religion was going to be in danger. Then again, when we see actually that women are practically groaning under hardship and are suffering from tyranny and we want that they also should be assigned a particular status, that their economic uplift may be attempted since society as a matter of fact practically bases its notions of status on a concept of property, it is said that the moment they are given property rights it will lead to danger to religion and disruption of society. I would beg of these friends to consider for themselves the circumstances in which today the women of our country are placed and I am sure they can be assured that this will not lead to any disruption of Hindu society itself.

Mr. Ayyangar—I again quote—was criticising a section of the House on the ground that it appeared to him they were decrying the sages. As I submitted already, if today we want that women should be lifted to a particular status, it is only in conformity with what has been enjoined upon us even by the great sages. So, I submit that this Bill cannot be criticised on any such conception that it is going to lead to disruption of Hindu religion or society, much less to contribute to the degeneration of society or immorality and other things.

After all, let us analyse the causes of prostitution. That will be a complete reply to all these apprehensions.

Then, I cannot but confess that I feel very unhappy at the manner in which this legislation is sought to be piloted. In fact, even the Statement of Objects and Reasons shows that the Rau Committee was constituted, a Bill was moved in Parliament, it was discussed to a great extent but ultimately it was dropped. The feeling in the country in those days was that as the general elections had to be faced and there were rather apprehensions in the minds of a vast number of voters in the country, the Congressmen felt it was better for them to drop the Bill which amounts to this, that the Government was not prepared to face the expected opposition of certain elements in the country. Then, what happened? Today at last when we are at the end of two years of the life of this present Parliament, we are asked to consider a motion. And what is the motion?—to refer a particular matter to the Select Committee. And what is that particular matter? It deals only with marriage and divorce. Once we accept that society determines the status of a man or a woman in relation to the property that he or she holds, my respectful submission is that if the sponsors of the Bill are really honest about it, a legislation conferring rights of property on women should have been placed first before this House. However, I expect that at least steps will be taken expeditiously to bring forward such a legislation.

I entirely agree with my hon. friend Shri Raghuramaiah, when he stated

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that the word 'idiot' is a hopelessly vague expression, and therefore, it should be clearly defined. I would go a step further and request the hon. Law Minister to take steps to define the word 'lunatic' also. I believe that these two words 'idiot' and 'lunatic' can be omitted, and 'person of unsound mind' can be substituted.

My. hon. friend drew the attention of the hon. Minister to another fact, namely, that while permanent alimony has been provided in the case of termination of marriage, a similar provision has not been made in the case of judicial separation. I believe there can be absolutely no dispute about the reasonableness of a provision being made for permanent alimony in cases of judicial separation also. We know the causes on which the action for judicial separation has been founded. When we come to the grounds mentioned for applying for a decree of divorce, we find in clause 13 (vi) that:

> ".....either party has not resumed marital intercourse for a period of two years or upwards after the passing of a decree for judicial separation against the other party;".

I would like to explain myself by giving an illustration. A, the husband, and B, the wife obtain a decree for judicial separation. But a number of friends and elders interested in the man and wife intervene and somehow manage to see that they come and reside together. For a month or two, everything goes on well. Later on, the man begins to repeat again his joke of inflicting cruelty. Am I to understand that the woman must go to the court again and obtain judicial separation, and she shall not pay heed to the advice of anybody and go on like this, so that the period of two years contemplated in the Bill may be over, and then she may go to the court to get a termination of marriage? I am afraid that unless some suitable safeguard is provided in the statute itself against such cases, it will work dangerous consequences.

I would invite the attention of the House and particularly of the Law Minister, to clause 17 of the Bill, which deals with consequences of termination of marriage in certain cases. I believe this provision has been made with a view to protect the children against the stigma of illegitimacy. The clause reads as follows:

> "Where a marriage is declared null and void on the ground that the former husband or wife was living and it is adjudged that the subsequent marriage was contracted in good faith and that one or both of the parties fully believed that the former husband or wife was dead, or where a marriage is declared invalid, the children begotten before the decree is made shall be specified therein and shall in all respects be deemed to be, and always to have been, the legitimate children of their parents."

I may straightaway submit to the House that the grounds on which a marriage can be declared null and void are grounds which do not admit of any doubt as to the parentage of the child. If that were so, why is it that the hon. Minister feels it necessary to insert these restrictions, namely:

> "and it is adjudged that the subsequent marriage was contracted in good faith and that one or both of the parties fully believed that the former husband or wife was dead....."?

I would submit that the retention of these two excepting clauses is certainly going to undo the justice which the hon. Minister seeks to confer on the children born out of such marriages. I hope the Select Committee will consider this question.

Again, the clause provides that the children who were there at the time of the decree shall have their names entered in the decree, and shall be deemed to be the legitimate children of those parents. I would submit one particular case for the consideration

of this House. By the date of decree, it so happens that the woman was pregnant, and the child was not out of the womb, and later on, within a given period, the child is born, what should happen to that child? Suppose the woman is in a position to prove to the court that this child was begotten on her by the husband himself, how is this protection to be given to that child? That is another matter which needs to be taken into consideration, while discussing clause 17.

However, I welcome this Bill with all the limitations that it imposes. I take it at least as a degree of response shown by Government to the agitation that has been going on in this country for the last several decades. But one warning I would like to give to the House is this. Let no man think that if we were to pass this Bill ultimately into law, we would be doing a favour to women. Women have got a right to expect from us that we will discharge our duty in conformity with the right that they possess, and what we confer on them will not smack of a favour.

Shrimati Ammu Swaminadhan (Dindigul): I am sure this Bill will be welcomed by all sections of Hindu society in this country. This is a Bill which is long overdue. As we see in the Statement of Objects and Reasons, the Hindu Code was drafted by the Rau Committee and was referred to a Select Committee of the Constituent Assembly of India (Legislative) in 1948, and that Select Committee submitted its report in August, 1948; now we are in 1954, and we are still debating on it.

I would just like to make a few remarks. I am not going into the legal points, firstly because the other hon. Members have gone fully into all the legal points in this Bill, and secondly because I am not a lawyer. It has been said by some Members that if you introduce this Bill and enact it as a law of the land, most married people will be going in for divorce. That seems an amazing remark. I cannot understand how married people who have been living for long years in happiness and harmony will rush to courts for having divorce. It was also said by some man Members of this House that many women will be rushing to courts for divorce.

The Minister of Agriculture (Dr. P. S. Deshmukh): Just to prove the need of it.

Shrimati Ammu Swaminadhan: That just shows that they have been suffering from a guilty conscience, and they have not been treating their wives properly, and so they fear that their wives may probably want to make use of this Bill.

Some of the other hon. Members have said that if this Bill is passed, Hindu society will be ruined. Hindu society has stood the test of time: it has stood for centuries; we have had all kinds of other religions coming into this country, but still Hindu society is going on. Is it the opinion of those hon. Members that such a small Bill as this, giving certain rights to the Hindu women of India, which they did not have before, will disrupt the whole of the Hindu society? I am again amazed that such a thought should have come into their minds.

I would like to say a few words in regard to the matriarchal system prevailing in Malabar, where I have the honour and privilege to come from. Under the *marumakkattayam* law, the women of Malabar have absolute and equal rights with men, with regard to property, marriage, divorce and everything else.

Divorce is not such a difficult thing. If the man and woman feel that they are not happy together and there are reasons why they should not continue together, they only have to write a note to the nearest magistrate or *tehsildar* or whoever is available, who is the authority, and say 'we wish to be separated as soon as possible'. There is no stigma attached either to the man or the woman,

[Shrimati Ammu Swaminadhan]

if they are divorced like that. But I can say that though this codification took place more than 30 years ago in *marumakkattayam* law, there have been very few divorces in Malabar. I have lived a great number of years and know Malabar and I can say that I have in my lifetime seen very few divorces there, where they had all the rights including property rights. It was also said by some of the hon. Members that women should not have equal rights in property. I cannot understand how those hon. Members who have wives and mothers and sisters can think that the moment a woman gets the right of property, she will misuse it. But surely these days when women have become much more emancipated, have taken up responsible positions and have held positions like Ambassadors, Ministers and other equally responsible positions, men must have realised that women who have property can use it as wisely, perhaps much more wisely, than men. That has certainly been the case, I can say, with regard to Malabar. There, women have equal right to property and they look after it very well and when any question regarding matters of finance comes about, every adult woman member of the family is consulted and she gives very wise advice. These reasons which have been stated here with regard to the Hindu society being ruined and with regard to women not being able to share full responsibility if certain rights are given to them, are really very very surprising coming from this House which has several woman Members, and I am sure every one of the women Members of this House as well as of the other legislatures in India has conducted herself so well that people have realised women can hold responsible positions. Shri Ananthasayanam Ayyangar said that women in ancient days in India were held in very high esteem. If they were held in very high esteem, they must have had responsible positions given to them. Did they misuse those positions? He holds that Hindu society was a wonderful society in ancient days. That means that women could not have misused the positions that they held. Why should they misuse them now in modern days when the whole social outlook has changed and when women are educated, are emancipated and are holding all kinds of very important positions not only in this country but in all other countries? I hope that this Bill will be passed, and it will be passed unanimously by this House. There may be certain changes made, and I think some of the clauses do need certain changes which will be made in the Select Committee. When it comes back from the Select Committee to this House, I hope every Member, even those who have spoken against it, will give it their full-hearted support. It is time that we had such a law as this; it is time that the women were given equality in all these respects. I am only sorry that she has not yet been given economic equality. I hope the hon. Minister will bring in a Bill to give that also and make all the women of India thank him wholeheartedly for bringing about this very much needed reform to give happiness to the men and women of this country.

Shri C. D. Pande: When I listened to the speech of Kaka Sahib Gadgil yesterday, I was pained at the remarks that he made. He unlike other Members who stand for this Bill—and I must say that I also stand for this Bill in a different manner—used a language, the motive and manner of which, must have offended a large number of people, even though they may be in favour of the Bill. He said that those who clung to or those who cherished the purity of blood, those who had got reverence for the past, those who attached any sanctity to marriage, should be humiliated and brought to their senses. He said in *Vedic* times, marriage was a contract and not a sacrament. In support he just said: ददामि and गृह्णामि

Forgetting that when bridegroom says

"गृह्णामि" it has all the implications of an eternal bond, not a conditional contract to be terminated at any time he or she desires. It is true that people are in favour of most of the provisions that we have embodied in this Bill, but the spirit in which they are brought before the Parliament is not shared by the public at all. There are many Members who have said that the country has given a mandate for the passing of this type of legislation. I am not sure whether there is any mandate to this House for passing this legislation. Whenever you enter an election fight, the party programmes are there. You have got many planks. For example, the Congress party, when it issued its manifesto had Kashmir, the Five Year Plan, international peace and so many other things in its election manifesto. (*Interruption*). But I am not sure that we are committed to passing this type of social legislation. It does not mean that the success of the Congress party is due to fact that we have also entered into a commitment in the manifesto to pass the Hindu Marriage Bill.

श्री विभूति मिश्र (सारन व चम्पारन) : कांग्रेस मनिफेस्टो में यह बात नहीं है ।

श्री सी० डी० पांडे : अगर नहीं है तो और भी अच्छी बात है ।

It was announced by the leader of the party that we stand by this. I admit that his popularity is so great, and the Congress is the only organisation in the country whose popularity is equally great that in spite of the fact that vast masses of Hindus do not share the views of the Congress in this matter, they have voted for it. Therefore, nobody should be under the impression that the country has given a mandate to the Government for passing this legislation.

Shri R. K. Chaudhuri: It was not mentioned in the manifesto. Was it mentioned there?

Shri C. D. Pande: Not explicitly. But the impression has gone round —and justifiably—because the leader of the party had announced on several occasions that he was prepared to fight any election on this issue alone. Therefore, if the conclusion is arrived at that the country is committed to this legislation, there should be no surprise. But it is not a fact. That is what I want to emphasize.

Shri Lokenath Mishra (Puri): On a point of information. The hon. Member just now said that it was part of the election manifesto that this Bill should be passed. I would rather say that it was deliberately omitted from the election manifesto —though it was originally there. So it is not fair to say.....

Mr. Chairman: Order, order. Will the hon. Member kindly resume his seat? The point at issue in this Bill is not whether this party is committed to it or that party is committed to it. Let us discuss the merits of the Bill.

Shri C. D. Pande: Sir, strictly confining myself to the provisions of this Bill, may I ask the hon. Law Minister that as we are in the process of passing the Special Marriage Bill, what is the necessity—in view of the existence of that legislation—that has arisen that we should pass this Bill? Is it not possible to incorporate all the good provisions of this Bill in that Bill so that it may afford relief to all the ladies and men who imagine themselves to be in distress. In that Bill they get divorce without any let or hindrance? It is by mutual consent. Perhaps divorce in the Present Bill is rather difficult. Those who do not abide by any orthodox rules of life, those who have got no reverence for the past, those who think that the past is rotten, let them have full freedom. Hindu society has always tolerated that freedom for every individual. We do not want to deny any freedom to those who want it. But we do not desire to disturb the minds of those people who are contented and find no difficulty in the prevailing social system and those who are motivated

[Shri C. D. Pande]

by modern light and want to have the advantage of divorce and such other provisions there are ample provision for such people in the Special Marriage Bill. I agree with Shrimati Ammu Swaminadhan when she said that there will be no widespread use of these provisions. But the tone and the fanatic zeal with which some Members want to force this on the people of this country is repugnant to us. If some people desire that they should have this law and this type of divorce and marriage laws, by all means, have it, but all these should be incorporated in the Special Marriage Bill. Thus there should be no necessity for this Bill being placed before this House at all.

Shri Raghubir Sahai (Etah Distt.—North East *cum* Budaun Distt.—East): It is a question of persuasion. It is not a question of forcing.

Shri C. D. Pande: I do not mind persuading people. People are really persuaded to a great extent as far as monogamy is concerned. There is not a single dissentient voice in this House or even outside in the country. There is no widespread practice of polygamy. If you count among your acquaintances you will have to seek far and wide to find out even one friend who has got two wives. It is the attitude which you have got behind these provisions that matters. The protagonists want to say to the public that they are all in darkness and that they have no vision and ideas of progress. That type of thing is resented by the public. So, my main contention is that in view of the fact that there is already a Special Marriage Bill, all the good provisions of this Bill can be incorporated in that Bill, therefore, there will be no necessity of passing or even considering this Bill by the Select Committee. I would request the hon. Law Minister to keep this particularly in view so that there will be no necessity of a legislation which is not very much liked by the public, on account of the mental attitude that many of the reformers have betrayed.

Most of the people, in judging the merits or the demerits of this legislation, have inevitably gone to ancient Indian law-makers. They think that Manu, Yagnavalkya and Parasara—wise men as they were—did not realise what they were legislating about. First of all, all the *smritis* are not laws or codified laws in the sense that we have got them today. They were simple codes of conduct to be followed by the people. No court of law held a particular *smriti* to be the sole guide for dispensation of justice so that offenders may be punished or may be found guilty according to a particular provision of *Manusmriti, Yagnavalkya smriti, Parasara smriti* or *Narada smriti*. So, if you find something anomalous in those *smritis* today, do not forget also the high ideals they inculcated. I would like to quote, for your information, the well-known and inspiring *sloka* of *Manu smriti* which is the highest ideal of a person born in India. Every Member of this House and indeed, every Indian will be anxious to follow this high ideal. *Manu* says:

एतद्देश प्रसूतस्य सकाशादग्रजन्मनः
स्वं स्वं चरित्रं शिक्षेरन् पृथिव्यां सर्वमानवाः ।

It means that men born in this land, by their individual exemplary conducts, should be the teachers of humanity throughout the world, and destiny has placed the leadership on them. This *sloka* must have been written at least 2,000 years back if not earlier. At that period by destiny, by the force of circumstances we had the privilege of leadership of humanity. Therefore, any son born in India, any daughter born in India, should be a leader of humanity. By what? By their exemplary personal conduct.

Shri Radhelal Vyas (Ujjain): Was it for every person?

Shri C. D. Pande: Every person, by virtue of his conduct, should be an ideal for the whole humanity. That was what Manu has said. Today, we say Manu was a tyrant, that he made law for a select class of people. It is not so. All castes,—the four *varnas*—and the four *ashramas*, everybody living in any *varna* or in any *ashrama* had that ambition, had that ideal, had that mission to fulfil. Is it any wonder that this system has lasted for thousands of years. I think very few people will be ashamed of our glorious past. I need not elaborate on this point. Shri M. A. Ayyangar has put very admirably how grand our civilization and social system was, and if it was not grand, do you think that all those great reformers, great saints, great scholars have sprung up from a rotten social order? No great genius can spring from a rotten social order. I was in France about 25 years back. I met M. Clemenceau who had then retired as the Premier of France. He has written a book on world civilizations. He travelled far and wide visiting China, India, Assyria, Babylonia and all the places where ancient civilizations grew. In his voluminous book —in a scientific treatise—he has written, after studying all theories of cosmogeny and the cosmography of the world and the philosophic systems in various civilizations. I will quote his own words from French into English:

> "In the subtlety of mind, in the massiveness of intellect, in the clarity of metaphysical thought, nobility of character, idealism, and the emphasis on renunciation and, above all, the unique social system which ordains a perfect and abiding balance between intellect, political power and wealth,"

India has got the proud privilege of solving that eternal problem of giving proper place to intellect, to wealth, and to political power. Just visualise the mightiest monarch had to bow before a saint? Whatever he may be,—he may be *charmakar*, he may be a *Brahmin*, he may be a *Rajarshi*, he may even be a *sudra*. Even *Sudras* have attained sainthood in ancient times. An Emperor considered it a privilege to bow before a saint who had no mundane power.

An Hon. Member: What about the present?

Shri C. D. Pande: Even at present, do you think that we have produced big men like Tagore and Mahatma Gandhi, from a rotten social order? These great persons were brought up by mothers who may have been illiterate, who may have been married at the age of 12 or 14 , but they were refined, cultured, considerate, sweet and kind. Though they were illiterate, they were capable of bringing up such great reformers, saints and savants.

I would also like to say that in this country wealth has been relegated to the third position and intellect has been given the first priority. This was the conception of our society. These are the principles that held and sustained our civilization for centuries. If we believe that there is no living force in this society, then you can do whatever you will. But I think the best course will be to confine this legislation to a separate category and to apply to such persons who would like to be registered under that system. Now the Special Marriage Bill has got no obnoxious provision of renouncing religion. It has also got a provision for retrospective registration of marriage Even today, those persons who were married 15 or 20 years back can get themselves registered under that law and obtain if necessary, a divorce the next day. In the circumstances, I would like to suggest that there is no necessity for this legislation. All the good points of this legislation can be incorporated in the Special Marriage Bill.

Mr. Chairman: Sardar Hukam Singh.

Shri Lokenath Mishra: On a point of order, Sir. The rule says that a Member has to catch the eye of the Speaker before he is called. I have been finding that for the whole session I have not been able to catch the Speaker's eye.

Mr. Chairman: Order, order. Is this a point of order?

Shri Lokenath Mishra: Yes, Sir.

Mr. Chairman: I am sorry; it is not a point of order.

Shri Lokenath Mishra: What I want to know is this.....

Mr. Chairman: This is not the way. I have already called him to order and I had already called another hon. Member.

Shri Lokenath Mishra: Am I not entitled to speak? I am anxious.....

Mr. Chairman: There is no question of any anxiety. This point has been submitted again and again. All hon. Members cannot be called upon to speak at one time. After all, there must be some order and there must be somebody to guide the deliberations of this House, whose will in selecting speakers must prevail.

Shri Lokenath Mishra: What is the order by which we are called?

Mr. Chairman: Order, order. There need not be such question. This is not a point of order. The hon. Member is only obstructing the proceedings in this House. I will request him not to adopt this attitude.

Sardar Hukam Singh: So far as I can recollect, the object of the Hindu Code was to bring about codification and uniformity. But I find in this Bill neither this nor the other. If really, as has been said, this is only a permissive measure and provides for additional forms of marriages, then what purpose would it serve when it is brought into force? We heard several texts being quoted here. Instead of getting any enlightenment, I must confess that these rather created confusion in my mind, and darkness all round as I heard my hon. friend speaking.

Texts can be quoted perhaps in support of every proposition in support of even conflicting and contradictory propositions. This is exactly the conclusion that I have drawn. When the marriage was a sacrament, then too it was Hindu law; when it was a contract, then also it is truly Hindu law. When it allowed any Hindu to marry as many wives as he liked, it was quite a good Hindu law and now if it restricts him only to one wife, it is equally good Hindu law. Certainly, if the marriage performed continued even after death, it was Hindu law but if it provides now for divorce, then it is Hindu law.

Previously this objection was raised when we were discussing Hindu Code that it is not Hindu law but something else. But under the texts today quoted, it was equally good Hindu law. I have no objection on that account. Even if it was supported by any original text in our *vedas, smritis* or *srutis*, then too, if you decide that this law shall apply to Hindus, it is Hindu law and on that account, we need not have any objection nor have I any on that score.

I am certainly convinced and it is very clear that we have that power. It is no interference when we embark on some reforms. We can bring about reforms and if we think that this is a reform, we are justified in bringing about that reform. Laws must reflect the level of civilization that the society possesses and as we proceed further and progress, civilization progresses. Our laws also should progress in accordance with that. It has been rightly observed by our Law Minister that if we want legislation to succeed there should be the general public support. He feels satisfied that that support is there. The original opposition has subsided. Government was getting so many telegrams

against these provisions that were contained in these Bills. Now perhaps there are only suggestions for improvement or an anxiety to proceed more swiftly. One thing that I find is this. It should not be taken as a change in the public opinion. It is not the public opinion that has changed but it is, I should say, the Government that has changed its attitude so far as the provisions of this Bill are concerned. This is not the original Bill even though it may be the first instalment of the Hindu Code as we call it. This is not just one portion that we had in the original Hindu Code that I have got with me. There it was provided that no marriage shall be solemnized unless it is a *dharmic* marriage or a civil marriage. Now, the civil marriage is there in this Bill. Anybody can go in for civil marriage and any Hindu can go in for this or that form. So far as the forms of marriages are concerned, he is at liberty to go to any individual way; he may adopt this method or that method or undergo any customary form.

An Hon. Member: It is a composite form; he can get himself registered.

Sardar Hukam Singh: Quite right. If you are pleased to call it a composite marriage, let it be called so.

Dr. P. S. Deshmukh: It is a compound marriage.

Sardar Hukam Singh: Everybody is free to have any form of marriage. Thus we have no uniformity nor is there any attempt to codify. I fail to understand how we feel the satisfaction in this respect that we have come to a stage when there is the general approval for these provisions and that delay has given us some advantage over the difficulties that we had at that time. I do not agree there. There was another clause. The law had over-reaching effect over the customs. These customs have all along been there; the prohibitory decrees are there. If really these had to remain, what is the new thing that we get? The Law Minister was right in saying that it has provided some form of marriage where more educated and advanced—as they call themselves—might have recourse to this form of marriage and be satisfied that they had no need to undergo that ordeal—I might say—that an ordinary marriage entails. That might be simpler for them. So far as the original objection was concerned, what I want to submit here is that this is not being achieved. That Hindu Code has practically been given up by this Government.

Shri R. K. Chaudhuri: What about clause 4?

Mr. Chairman: To some extent, custom is there but not to the full extent.

Sardar Hukam Singh: We have been told by the Law Minister that there are three main objectives so far as this Bill is concerned. One is abolition of caste. That is very good. I agree there. The country is ready for that and I welcome it. Moreover, there was already a provision and people were already going outside the scope of the original context. There were marriages that were not conforming to the old ideals. Therefore, this was needed. I certainly endorse the view of the Law Minister that the society has reached a stage where such a provision is necessary.

The second thing is monogamy. I agree there as well that the country is ready to accept it. Now there are very few marriages that are polygamous. Because the society wants it there is no harm in providing it. I rather welcome this provision because the opinion in society is that monogamy should be the general rule.

So far as divorce is concerned, I have to make one or two observations. I do not agree with our Deputy Speaker when he said that we might try this monogamy for a certain number of years and then see whether

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we can work it satisfactorily to arrive at a conclusion whether divorce is desirable or not. If we adopt monogamy then divorce is a necessary corollary. This is how I feel it. It must come side by side along with monogamy, though I have certain other objections so far as the provision of divorce is concerned. My feeling is that this divorce boon or blessing, whatever it may prove to be, might have succeeded economic independence of women. It should not have preceded it. Of course, whatever reform we might bring, there would be some extreme cases, which would be very hard. Perhaps we might shudder to think of them, or their narration might move our heart. One of our lady Members yesterday gave certain such hard instances. It is fortunate or unfortunate that the lady Members here are almost united, but the men are divided. That is because the lady Members here are from that minority who certainly feel themselves advanced and are educated; but perhaps among us there are still those who are orthodox and have not advanced so far.....

Dr. P. S. Deshmukh: Not so educated either.

Sardar Hukam Singh: Not so educated as well.

My feeling is that even if we adopt this measure, even if we bring about this reform, we have yet to see whether the case of the other extreme would not be more pitiable than the cases of those we have seen so far. If we do not give economic independence to women this measure cannot be availed of. Economic independence does not mean that all girls will get a share out of their fathers property. It has of course, been urged that the hon. the Law Minister should bring the measure giving a share of the property to women as speedily as possible. So far as the Punjab is concerned, I raised this point even last time. Originally it was proposed that the girl should have a share in the property of the father. So far as North India is concerned, I and Bakshi Tek Chand—and if I remember aright you also—raised the point that we would rather that she gets a share along with her husband in her father-in-law's property,...

Mr. Chairman: The husband's property.

Sardar Hukam Singh: and not in her father's property. Otherwise, this would create many complications. When this measure is brought we shall deal with it in detail. What I want to stress here is that it is not in every case, in every family, that sufficient property is there that when a share is given to the girl she would become economically independent.

I have not visited any of the foreign countries: nor am I very much advanced or educated. But I understand from literature I have read and friends who have come from abroad, that in most of the western countries anybody without employment can go to some work house; there is some such maintenance arrangement.

In our society all the girls are not educated; in fact, there are very few who are educated. If a girl who is not educated, who is not economically independent, is divorced by her husband, what will she do? Where will she go?

Mr. Chairman: Who shall divorce her if she takes away half the property of the husband?

Sardar Hukam Singh: If the husband himself has no property, what will she take with her? We have not provided her with education or other avenues of employment to earn her livelihood.

Shri Velayudhan: The State should give her employment.

Sardar Hukam Singh: Is the State at present in a position to do that? I now recollect one of the remarks

made by my hon. friend Shri Rohini Kumar Chaudhuri.

Shri Velayudhan: Change that State.

Sardar Hukam Singh: I am reminded of his remark that by giving equality to women we are increasing unemployment. This is how he argued. If a youngman gets employment, he certainly looks after his wife, his aged mother and makes provision for all of them. But when a girl gets employment,—as she has equal chances.....

An Hon. Member: Better chances.

Sardar Hukam Singh: Perhaps better chances as against a male candidate for employment—she would look after herself and not anybody else. That he argued would increase unemployment.

Leaving that aside, if she is not educated, or the resourcefulness to get an employment, is not there she would be left in great difficulty. We would have made some solution for the educated girl, advanced girl, to get rid of the undesirable husbands. I do not mean to say that such a provision should not be made. But what about the girls who are uneducated, who are ignorant, who are not able to maintain themselves? My submission is that Government should have kept in view this aspect of our society before bringing in this provision, or blessing of divorce for our girls, because a large number of them live in our villages and are dependent on their parents or husbands. It might perhaps be argued that this is only a permissive measure. But even if it is permissive advantage shall be taken by those persons who want to misuse it. Therefore, what I want to stress again and again is that the aspect of giving education to the girl, making her economically independent, providing her with employment, ought to have been taken, if not before this legislation, at least simultaneously with it. That is not being done. We are not sure how long it might take Government to bring that legislation, or what fate it might meet with. This provision alone will not bring about the objective that we have in our mind; it may on the other hand, make a larger number of our girls more miserable than the number that now feel aggrieved.

I might refer lightly to the remarks of Shri Jangde as well. I saw the other day in a newspaper, in *The Times of India,* the proverbial *Dilli Ram* that is represented. He was doing something of cooking there. Another man asks him "What are you doing?" And he says "Since the emancipation of women, men have become slaves". Shri Jangde also had that complaint to make that in his part of the country men are slaves, and he wanted their emancipation from women. That aspect also should be considered by the Law Minister, whether really he is taking us to that stage which has been narrated by Shri Jangde where every one of us shall have to meet that fate, or whether he is emancipating those also who feel aggrieved.

Mr. Chairman: He said it is a solution for both.

Sardar Hukam Singh: A golden mean. I want here to contradict a statement that was made here. We were told that our females have all along been slaves and that their condition has been pitiable. That might have been the case with a certain number. There might be a small percentage that might feel like that. But I can here make bold to say that really, as was remarked by our Deputy-Speaker, our females have been queens of the house, they have been in charge of everything. It is wrong to say that every female has been treated like a slave and so on. It is an over-statement. It is not the case. Of course, it might be argued by some that on account of ignorance they feel like that. It is a fact that our females have been feeling quite happy with the system that we have had. Rather, we have been receiving reports that in those countries where this divorce system

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has been in vogue and, I should say, very freely, there too they do not feel that they have solved the problem. Rather, they have several times looked to us to find out whether this system could make any improvement in the relations and whether our marriages were more happy than theirs.

We should not feel that by bringing in this legislation we are solving the problem. Though I have these apprehensions, I dare say that I do welcome this measure. Let us proceed, now that we have taken this step, and find out whether we can improve, even though there are difficulties that I apprehend which might make us more miserable.

Shri Tek Chand (Ambala-Simla): I deeply regret to say that I do not find myself in accord either with the sentiments underlying the Bill or with the language of the Bill. Neither the *sententia legis* is satisfactory; so far as the *verba legis* is concerned, it is much worse. The hon. the Law Minister must have felt himself supremely satisfied when there were panegyrics sung in favour of the Bill. I wish he could pause and listen to some of the criticism that I propose to level against the language of the Bill. So far as the spirit behind the Bill is concerned, I am not ashamed of stating that it is disruptive of our society. Our society has lived and has progressed for centuries, for thousands of years. A belated attempt being made by us to disintegrate our society is almost scoffable.

1 P.M.

What is the objective of marriage? That seems to have been lost sight of. My hon. colleague Dr. Jaisoorya asked "what right have we to legislate for the youth?" thinking that this Bill is intended for the youth only. So far as I can see, procreation no doubt is the major function of marriage. But apart from procreation there is also the consideration of social companionship. There is also the question of continence. There is also the problem of regulating, in a respectable manner, the ungovernable impulses with which the human flesh has been endowed. Marriage is there also because marital association in the post-procreative age becomes absolutely imperative, more so then than in the earlier exuberance of youth. Nurturing of children, their bringing up is another consideration which makes it imperative that marriage as an institution, so far as is humanly possible, should be made indissoluble. Therefore I was hearing spell-bound when Shri M. A. Ayyangar expressed his views on the matter, with which I find myself in complete agreement. Experimentation in marriage is a very dangerous thing. Social legislation is a controversial matter. I can understand and I can be in sympathy with those who believe in pruning here and there. But rooting it out stalk and stem, I am opposed to that. With all the vehemence at my command, I must raise my feeble voice on behalf of sanity, on behalf of decency, on behalf of cleanliness, and I concede that if there are plague spots in the society, remove them by all means. (*An hon. Member*: How?) I am about to suggest it. But removing the whole institution of marriage, making it dissoluble virtually at the whim and caprice of the people who cannot stand the rigours of continence, to that I am opposed. I feel that this is a measure which deserves, before it is passed, greater circumspection and greater examination and the opinion should be obtained of those whom it is going to affect so vitally. I feel particularly for the ladies, that they may be vociferous today, waxing eloquent as if it were the Magna Carta of their emancipation. But they will rue the day when this Bill becomes law. The army of unwanted, divorced women, are they going to have husbands, good, bad or indifferent? The army of unwanted children, are they going to have homes of any sort except orphanages? When you are talking of women, do

not think of matrimony at its inception. Think of matrimony at the sunset of life, that is to say, not at the dawn, not when the youthful couple marry, but when the physical attraction disappears, when all that remains is memory sentiment, emotion, duty. Matrimony becomes an essential bond after the postprocreative age is reached. Thus we have carried on for millennia. We might as well have waited a little longer as the learned Deputy-Speaker suggested. Let us have insistence on monogamy, but divorce may come later.

But, assuming that marriage should become a dissoluble bond, assuming that divorce should be introduced, look at the language of our law. To my mind they have not been able to clothe their intention in a language that should be appropriate. I beg to invite the attention of my hon. colleagues in the House and in particular of the hon. Law Minister to their *magnum opus,* this great clause 13, petition for decree of divorce. I am advancing these arguments on the assumption that divorce is desirable. What have you provided for it? You have said:

> "Marriage can be dissolved on the following grounds: (i) that the husband is keeping a concubine or the wife has become the concubine of any other man or leads the life of a prostitute;"

Examine each one of these and you will find that you have extended an invitation to vice. Now supposing 'A' is married to 'Mrs. A' and he has instituted a petition for divorce. If I were a lawyer on behalf of Mrs. 'A' I could challenge any court to grant a divorce on this defence. Mrs. 'A' can very well say "yes, I have been committing adultery not only with B, C, D and and E, but with several and several times, and as often I wanted to, but I am not a concubine of anybody, of either B, C, D or E." The word 'concubine' in the dictionary means, living together without the bond of marriage. That is to say, it is a union of a permanent or semi-permanent nature without undergoing the form of marriage. In other words, you allow a divorce to the aggrieved husband or wife, but adultery is not being made a ground for dissolution.

Then, take the second clause, "or the wife has become the concubine of any other man". Supposing she were to say, "I live with 'B', but I am not his concubine; he is my gigolo. I am a rich woman and I have kept 'B' ", any judge who has some knowledge of law will say: "section 13(i) does not cover the case of gigolo, it only contains the case of a concubine. She is not a concubine but she is carrying on with 'B' as her gigolo". Then, where is your law?

Now, take the third clause, "or leads the life of a prostitute". The life of a prostitute has yet to be defined. Prostitute does not mean a woman who lends her body to other people; prostitute means a woman who hires her body for money. If the answer of a woman respondent in a particular case is: "I live with as many people as I care to. I do not take any notice of my husband. Now, prove that I have got money. So long as I contend that I never take any money I can do whatever I like", and again your law becomes impotent. This is your *magnum opus;* this is your *chef d' oeuvre;* this is something which you want to be proud of. What have you done? If divorce is a desirable thing, what have you done for the person whose spouse is committing adultery? You have done nothing at all.

Then I come to sub-clause (iii) of section 13 which says that divorce may be granted if either party is incurably of unsound mind or is stricken with leprosy, should that be a ground for divorce? Is it not cleaner, is not nobler, is it not more decent that the spouse who is stricken with either of these maladies may be

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provided for, looked after and should be in a home, asylum or hospital? The unfortunate person who is afflicted with such a malady, is he or she to be deprived even of the society, even of the solace or verbal consolation of his or her spouse? Should he or she become the object of divorce? Sub-clauses (iii) and (iv) ought to have under certain circumstances been brought under the section dealing with judicial separation; that is understandable.

Then again, in sub-clause (v) you say:

> "That either party has not been heard of as being alive for a space of seven years or more by those persons who would naturally have heard of it, had that party been alive;"

Examine the absurdity of this clause. Now, 'A' is married to Mrs. 'A'. 'A' leaves her and all that he need do in order to avoid a petition for divorce from his spouse is to write one a post-card once in five years. He can escape the consequences of a divorce petition on the ground that he has not been heard of by her. So long as he writes one post-card to even a relation of hers or a friend of hers, she cannot get a divorce. What is the use of this sub-clause? What is the sanity behind this? If he is heard of in a newspaper, his speech is heard, his book is read or his picture is seen, he is heard of in seven years and then there is no question of divorce. If you are out to allow divorce, provide sane and sensible grounds. If there has been a deliberate desertion, or desertion accompanied by cruelty, or accompanied by adultery, provide clauses like that as grounds of divorce. That at least is understandable if you are going to allow divorce. If you make clauses like sub-clause (v), so long as he or she is heard of in seven years, no divorce is possible.

Then kindly turn to clause 15—no petition for divorce to be presented within three years of marriage. In this connection look at sub-clause (ii) of clause 13 which allows divorce when either party to the marriage has ceased to be a Hindu by conversion to another religion. Supposing a Hindu wife embraces a different religion the day after the marriage, the man must wait for three years before he can seek divorce. If she has embraced a different religion today she has become a convert today. That ground is there finally and absolutely. Why must the man wait for three years to seek a divorce? Then again, even if the wife becomes a concubine, the man must be a witness; he must suffer the agonies of disgrace for a period of three long years before he can get himself released from such a shameless wife. She must remain a prostitute to his knowledge for three long years before he can get his escape. According to your law for three years he has to wait.

Shri R. K. Chaudhuri: But, there is the proviso to clause 15.

Shri Tek Chand: Of course, the proviso is there, but it says: "if it is a case of exceptional hardship to the petitioner or of exceptional depravity". Now, I put it to you: can depravity be exceptional? Depravity is depravity. If she or he is guilty of a certain conduct which is disgusting, dishonourable or disgraceful, for that the other person should not be made to wait for three long years.

An Hon. Member: What does he suggest?

Shri Tek Chand: My definite suggestion to the hon. interruptor is to introduce sound grounds for divorce and if these grounds are established, then cut that tie asunder immediately.

Shri Biswas: However carefully we may frame the law, anyone with the aid of a lawyer like my friend Shri Tek Chand can defeat it.

Shri Tek Chand: I express my thanks to the compliment that you have paid to me, but it is a sorry spectacle that a lawyer should be able to defeat the law and that you are incapable of conching your ideas in a language and in a manner which is at least understandable.

Not only that. Now kindly turn to your definition clause. This says that the children of two brothers or two sisters are within the prohibited degree of relationship, but if they happen to be children of a brother and a sister then of course they are not within the prohibited degree of relationship. A similar error had crept in in the Special Marriage Bill and that was removed. I wish the hon. Members who are associated with the Select Committee should bear this in mind. Then again, there is the tautology of the words 'custom' and 'usage' that you find in clause 3(a)? Why use the two words? Is there any distinction in law between these two words? I must confess my ignorance as I am yet to find a ruling of any court where they draw a distinction between 'custom' and 'usage'. 'Custom' and 'usage' mean the same thing. I do not understand why these two words should be used. Then it is further said. "among Hindus in any local area, tribe, community, group or family". What is a group? Have you drawn any distinction between a group and a tribe? You keep on using these tautological words and yet they are not at all precise. The time bell rings and therefore, I must express my gratitude, There is a lot more to be said and I would request that a few more minutes may be given to me tomorrow.

Mr. Chairman: The Speaker already decided that the hon. Minister shall reply tomorrow.

Shri Tek Chand: If you can give me a few more minutes I shall be very thankful.

Mr. Chairman: This is the ruling of the Speaker and I regret I cannot give any more time.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

> "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Special Marriage Bill, 1954, which has been passed as amended by the Council of States at its sitting held on the 8th May, 1954."

SPECIAL MARRIAGE BILL

Secretary: Sir, I beg to lay the Special Marriage Bill, 1954, as passed by the Council of States, on the Table of the House.

The House then adjourned till a Quarter Past Eight of the Clock on Thursday, the 13th May, 1954.